

University of Miskolc
Faculty of Law
Deák Ferenc Doctoral School of Law

Theses of PhD dissertation

Head of the Doctoral School: Prof. Dr. Erika Róth

Programme: Central European Comparative Law

Author: Tomasz Mirosławski (MA)

PhD Supervisor: dr Michał Barański, Assistant Professor
at the University of Silesia in Katowice

Title of the dissertation: “Forms of Monitoring in the
Workplace in the Visegrad Countries. Comparative Legal
Research”

MISKOLC
2026

Table of Contents

PART I. GENERAL DESCRIPTION OF THE RESEARCH AND THE STRUCTURE OF THE DISSERTATION	3
1. RESEARCH TOPIC AND ITS CONTEXT	3
2. RESEARCH TASKS AND RESEARCH QUESTIONS	4
3. STRUCTURE AND CONTENT OF THE DISSERTATION..	5
PART II. METHODOLOGY, TERRITORIAL SCOPE AND USED MATERIALS.....	8
1. METHODOLOGY.....	8
2. TERRITORIAL AND REGULATORY SCOPE	9
3. COLLECTION AND USE OF RESEARCH MATERIALS	10
PART III. ANSWERS TO THE RESEARCH QUESTIONS, MAIN RESEARCH HIGHLIGHTS AND <i>DE LEGE FERENDA</i> PROPOSALS	12
1. ANSWER TO THE FIRST RESEARCH QUESTION	12
2. ANSWER TO THE SECOND RESEARCH QUESTION...	13
3. MAIN RESEARCH HIGHLIGHTS	14
4. DE LEGE FERENDA PROPOSALS	16
PART IV. THE LIST OF PUBLICATIONS RELATED TO THE DISSERTATION'S TOPIC	18

Part I. General Description of the Research and the Structure of the Dissertation

1. Research topic and its context

The thesis examines workplace monitoring in Poland, Hungary, the Czech Republic and Slovakia against the background of the technological transformation of work. Although managerial supervision has accompanied organised labour for a long time, digitalisation, automation, artificial intelligence and data-driven management have substantially expanded both the range of observable employee behaviour and the intensity of interference with employees' private sphere. Modern monitoring may encompass electronic communications, internet use, keystrokes, location and movement, social-media activity, sobriety, and increasingly, algorithmic assessments of performance, behaviour and personal characteristics.

Therefore, the dissertation treats workplace monitoring not merely as a set of technical measures, but as a legal, historical and socio-political phenomenon shaped by economic systems, power relations and changing models of work organisation. Workplace monitoring is situated at the point where the employer's organisational, managerial, proprietary and safety interests meet the employee's privacy, personal-data protection, dignity and other fundamental rights. The structural inequality of the employment relationship makes this

conflict especially significant: the employer selects the technological measures, determines its purposes and controls the resulting information, while the employee remains legally subordinated and economically dependent.

The principal objective of the thesis is to analyse, describe and compare the regulations governing workplace monitoring in the four Visegrad countries and, on that basis, to formulate *de lege ferenda* proposals capable of responding to technological change while maintaining a fair balance between employers' justified organisational and proprietary interests and employees' privacy, dignity and other fundamental rights.

2. Research tasks and research questions

The research task consists of reconstructing the legal framework of workplace monitoring in the Visegrad region, comparing the four national approaches and assessing their capacity to address both well-established and emerging forms of surveillance. The comparison covers the permissible objectives of monitoring, the forms in which it may be conducted, information duties, territorial limits, data retention periods, employee participation and the safeguards required by privacy and data-protection law. Particular attention is paid to the effect of digital and algorithmic tools on the traditional concept of employee subordination.

The dissertation aims to answer two principal questions:

1. Are the regulations underpinning current workplace monitoring models in the V4 countries capable of ensuring respect for employees' dignity, particularly in the context of modern forms of workplace monitoring?
2. Is there a workplace monitoring model in the Visegrad region that strikes the desired balance between employees' privacy and employers' interests, and could serve as a benchmark for the other V4 countries?

3. Structure and content of the dissertation

The Introduction defines the research problem and questions, explains the choice of the Visegrad Group countries as the area for comparative legal research and presents the three interrelated levels of regulation. It also sets out the research methods and identifies the main objective of the comparative analysis.

Chapter I - "Introductory Remarks", establishes the conceptual, historical and legal foundations of the study. It traces monitoring from pre-industrial oversight through Robert Owen's "silent monitor" and Taylorist scientific management to contemporary digital surveillance, including a five-phase model of its development. It then presents sociological, psychological and colloquial understandings of monitoring. The final parts examine

relevant international and European instruments and outline the national monitoring frameworks of Hungary, Poland, the Czech Republic and Slovakia.

Chapter II - “Objectives and Forms of Employee Monitoring”, contains the core comparative analysis. Its organising premise is that each monitoring form must be assessed in connection with the purpose it serves. The chapter therefore distinguishes monitoring related to the performance of employee tasks, protection of the employer’s property and occupational health and safety. Within these categories it examines communication and non-communication monitoring, covert surveillance, GPS tracking, personal inspections and sobriety monitoring. It also compares general safeguards, including territorial limits, retention periods, the determination of objectives, scope and methods, information duties, proportionality and the requirement of legitimate grounds.

Chapter III - “Surveillance and the Right to Privacy”, evaluates monitoring through three interconnected dimensions of privacy protection: the constitutional systems of the V4 countries; the human-rights framework of Article 8 ECHR and the ECtHR’s case law; and privacy as a personal right under national law. It explains why professional activity falls within the sphere of private life and identifies the conditions under which interference with employee privacy may be justified.

Chapter IV - “Axiological Considerations on Workplace Monitoring”, relates surveillance to the

foundational values of labour law. It analyses human dignity, worker dignity and the protective function of labour law as limits on employer authority. It then compares employee subordination in the V4 legal systems and explains how technological development can transform traditional personal subordination into “technological subordination”. The chapter concludes by considering the idea of the humanisation of work and the preservation of meaningful human interaction in current workplaces.

The Conclusion synthesises the comparative findings and formulates two groups of proposals. Narrower legal recommendations concern, among other matters, clarification of vague statutory grounds, stronger restrictions on covert monitoring, clearer Hungarian rules on work-related data and the possibility of monitoring employees’ personal devices, and appropriate retention periods for data obtained from monitoring. Broader recommendations call for a human-centred and solidaristic model based on employee participation and collective bargaining. Together, these proposals aim to ensure that technological development supports legitimate workplace organisation without reducing employees to objects of permanent observation and data-driven control.

Part II. Methodology, Territorial Scope and Used Materials

1. Methodology

The backbone of the dissertation is the comparative legal method. The comparison is functional rather than merely textual - the national provisions are examined as different responses to equivalent conflicts between employer interests and employee rights. For each monitoring form, the study identifies the employer's purpose, the affected employee interests, the legal basis, procedural requirements, limits on scope and time and the other available safeguards. The national solutions are assessed according to a common set of criteria, including legality, legitimate purpose, necessity, proportionality, transparency, data minimisation, storage limitation and respect for dignity.

The comparative method is supplemented by dogmatic-legal, theoretical, axiological and historical-materialist approaches. The dogmatic approach analyses the meaning and interaction of labour law, civil law, constitutional, occupational health and safety, and data-protection rules. The theoretical approach examines the issues of privacy, personal rights, managerial authority and subordination. Axiological analysis evaluates law through the values and ideas of dignity, autonomy, fairness, humanisation and the protective function of labour law. The historical-materialist perspective places monitoring

within changing systems of production and power, showing both continuity and also qualitative change between direct supervision, Taylorism and algorithmic management.

The research is doctrinal and comparative. It does not present surveys, interviews or other original empirical studies as its own results. Existing research in psychology, sociology, technology and management is used in the study to emphasise the effects of surveillance on the employment sphere and to ensure that the legal analysis corresponds to the realities of contemporary work.

2. Territorial and regulatory scope

The territorial scope comprises Poland, Hungary, the Czech Republic and Slovakia. These countries form an appropriate comparative group because they share geographical proximity, important historical and socio-economic experiences, the transformation from centrally planned to market economies and membership in the European Union and the Council of Europe. Their common background provides a stable basis for comparison, while their different labour law regulations reveal the range of solutions possible within the same European legal environment. The study is conducted on three interrelated regulatory levels. The first comprises European human-rights standards and the constitutional guarantees operating in each country. The second consists of EU data-protection law, particularly the General Data

Protection Regulation. The third comprises national labour law provisions governing employer authority, employee duties, monitoring procedures and the protection of dignity and privacy.

The national comparison reveals four distinct regulatory styles. Poland has the most detailed statutory provisions on video, email and other forms of monitoring. Hungary relies more heavily on general clauses, judicial decisions and guidance of the National Authority for Data Protection and Freedom of Information. Czech law combines a general power to check the appropriate use of the employer's means with a separate regime for serious interference with privacy. Slovak law uses a general monitoring provision linked to serious reasons arising from the specific nature of the employer's economic activity. These differences make the Visegrad region a useful field for identifying good practice and regulatory gaps.

3. Collection and use of research materials

The primary materials used for the research include international, European and national legal sources. The international and European framework encompasses the European Convention on Human Rights, the Charter of Fundamental Rights of the European Union, the GDPR, Convention 108 and 108+, the European Social Charter and relevant International Labour Organization materials. Soft-law instruments, including Council of Europe

recommendations, the ILO Code of Practice on the protection of workers' personal data and guidance of the Article 29 Working Party and the European Data Protection Board, are used to clarify principles applicable to employment.

At national level, the research examines the constitutions and labour codes of all four countries together with civil law rules on personal rights, national data-protection legislation, occupational health and safety provisions and relevant sector-specific rules. This broad selection reflects the fact that workplace monitoring is not governed by a single set of provisions. The employer's power to supervise work, the employee's dignity and privacy, the processing of personal data and the protection of safety and property must be considered together.

Judicial material includes decisions of domestic constitutional, supreme and ordinary courts, together with the case law of the Court of Justice of the European Union and the European Court of Human Rights. Decisions and guidance of national data-protection authorities are particularly important where legislation is general or where new technologies have not yet been addressed directly by statutes. The case law and administrative practice are used to interpret open concepts such as legitimate interest, serious reason, necessity, appropriateness and proportionality.

Secondary materials encompass publications on labour law, constitutional law, human rights, data-

protection law, civil law, EU and international law, legal theory, legal axiology, artificial intelligence and the digital economy. Selected studies in organisational sociology and occupational psychology explain how intensive monitoring may affect autonomy, privacy, stress and workplace relations. Literature on platform work, algorithmic scheduling, performance scoring, customer ratings, location tracking and automated decisions supports the analysis of technological subordination.

The materials are explored through a purpose-based analytical structure. The same questions are asked of each national model and each monitoring practice. Statutory provisions are examined in the light of case law, supervisory authorities' guidelines and academic commentary.

Part III. Answers to the Research Questions, Main Research Highlights and *de lege ferenda* Proposals

1. Answer to the first research question

The answer to that question is not straightforward. Existing regulations can secure a basic level of protection and constrain the most excessive forms of employer interference through requirements such as legality, proportionality, purpose limitation, transparency, prior information and respect for privacy and dignity. They are nevertheless only partially sufficient in the face of specialised digital and algorithmic tools capable of

penetrating deeply into employees' private, and sometimes intimate, sphere. Their principal weaknesses include vague statutory concepts, uncertainty as to the permissible grounds and forms of monitoring, insufficient attention to advanced technologies and limited employee participation in designing monitoring systems. Accordingly, the V4 frameworks provide minimum safeguards but do not yet offer comprehensive or technologically resilient protection. From the perspective of human and worker dignity, protection that operates only "to a certain extent" cannot be regarded as satisfactory.

2. Answer to the second research question

The Polish model stands out as the most developed and may serve as an interim benchmark or more like a source of inspiration. Its strength lies in linking particular monitoring measures to statutory purposes, expressly excluding certain areas from video surveillance, establishing a maximum three-month retention period for CCTV recordings and requiring the objectives, scope and manner of monitoring to be stated in collective agreements, work regulations or an employer announcement. The first two instruments create at least some opportunity for employee representation to influence the monitoring framework. However, the Polish model also has limitations and does not establish a fully fair and resilient balance. A more durable solution requires stronger collective participation, preferably through

collective agreements, which can adapt monitoring rules to the characteristics of a workplace or specific sector, enable *ex ante* scrutiny and improve transparency and explainability. This systemic proposal calls for wider unionisation and collective-bargaining coverage across the V4 region.

3. Main research highlights

The historical analysis demonstrates that workplace monitoring predates both industrial capitalism and digital technologies. Modern systems reproduce long-standing objectives of observation, discipline and measurement, but they do so with substantially greater reach, continuity and analytical power. The five-phase model proposed by Edwards, Martin and Henderson¹ identifies the development from analogue factory supervision, through database and internet monitoring, to connected devices and algorithmic control. Digital monitoring may become not merely a source of data about work process, but the infrastructure through which work is allocated, evaluated and employees are disciplined.

The subsequent highlight is the purpose-based organisation of monitoring. The thesis shows that the legality of a measure cannot be assessed from the technology alone. The same form may be proportionate for

¹ Edwards, L., Martin, L. and Henderson, T. (2018) Employee Surveillance: The Road to Surveillance is Paved with Good Intentions. SSRN.

a narrowly defined safety or property-protection purpose and excessive when used for general behavioural scrutiny.

The comparative analysis identifies important differences between the national models. Polish law offers the highest degree of statutory specificity. Hungarian law is flexible but relies heavily on general clauses and authority guidance, leaving uncertainty concerning employment-related and private data. Czech law contains an unclear distinction between an “appropriate general check” and monitoring that seriously interferes with privacy. Slovak law expressly recognises the role of employees’ representation but leaves key concepts, particularly “serious reasons”, open to interpretation.

The research also confirms that privacy does not end at the workplace. Professional activity forms part of private life, and specific ownership of equipment or a prohibition on its private use cannot by itself remove legal protection. The safeguards identified in the *Bărbulescu* case² - notice, the extent of monitoring, legitimate reasons, less intrusive alternatives, consequences - provide a useful framework for assessing communications and other digital monitoring.

Worker dignity constitutes autonomous limits on employer authority. Transparency alone cannot legitimise a practice that reduces employees to data sources and objects of continuous observation. The concept of

² Grand Chamber of the ECtHR judgement in *Bărbulescu v. Romania* from 5 September 2017, 61496/08.

technological subordination explains how managerial power may be embedded in software, performance metrics, customer ratings and automated workflows. Monitoring, direction and discipline may then operate as one integrated system. A human-centred model of monitoring must ensure meaningful human involvement, the possibility to challenge decisions and collective scrutiny of technologies that influence working conditions.

4. De lege ferenda proposals

The Czech and Slovak concepts of “serious reasons” or “serious causes” arising from the specific nature of the employer’s activity should be clarified. A structured but non-exhaustive catalogue of such reasons could refer to occupational health and safety, protection of life and health, property and confidential information, and verification of task performance where genuinely necessary. Such clarification would improve foreseeability without limiting the legislation to a closed list of technologies. In Czech law, the relationship between the “appropriate general check” under Section 316(1) of the Labour Code and the regime for serious interference with privacy should be made clearer. The first provision should not provide a broad loophole for circumventing privacy safeguards. Covert monitoring should be confined to exceptional investigations of serious unlawful conduct and should require prior authorisation, a documented

assessment of necessity and proportionality, narrowly defined targets and duration, secure access and subsequent review. Hungarian law should define employment-related data more precisely. Private information does not become work-related merely because it is stored on an employer's device. Legislation or binding workplace rules should require the separation of professional and private environments, establish written inspection procedures and address the use of employees' personal devices for work. Bring-your-own-device policies should specify what may be accessed, for what purpose and by whom.

All four models would also benefit from clearer maximum retention periods for important categories of monitoring data. The period should be linked to the specific purpose and should always remain subject to the GDPR requirement that information be kept no longer than necessary. Longer preservation should be possible only where a dispute, investigation or legal proceeding justifies it. High-risk monitoring should also require a documented necessity and proportionality assessment and, where appropriate, a data-protection impact assessment.

Collective participation should become a central element of workplace-monitoring regulation. Collective agreements can specify legitimate purposes, prohibited uses, categories of data, territorial and temporal limits, retention periods, independent audits, human review and appeal procedures. Employee representatives should receive meaningful information about the operation and

consequences of digital systems before they are introduced, rather than only a general notice after the specific design has already been chosen. Finally, the regulation of algorithmic monitoring should ensure explainability, meaningful human oversight and effective contestation. Employers and technology providers should apply privacy by design and by default, separate working time from private time, minimise the precision and frequency of collection and prevent data gathered for one purpose from being reused automatically for another. These proposals translate the dissertation's human-centred (humanisation of work) approach into practical guidance for legislators, employers, courts, DPAs and employee representatives.

Part IV. The List of Publications Related to the Dissertation's Topic

- Mirosławski, T. (2023) 'Platform work as a manifestation of a new form of employment in the era of the fourth industrial revolution', *Z Problematyki Prawa Pracy i Polityki Socjalnej (Labour Law and Social Policy Issues, ZPPPiPS)*, 21(4) 2023.
- Barański, M. and Mirosławski, T. (2023) 'Geolocation monitoring of an employee from the perspective of Article 8 of the ECHR', *Acta*

Universitatis Sapientiae – Legal Studies, 12(2) 2023.

- Mirosławski, T. (2025) ‘*Between Casuistry and Vagueness – A Comparative Legal Analysis of Employer Surveillance of Employee Tasks under Polish and Czech Legislation*’, *Central European Academy Law Review*, 2(1) 2024.
- Barański, M. and Mirosławski, T. (2025) ‘*The Principle of Proportionality in the Jurisprudence of the European Court of Human Rights in Cases Concerning Workplace Monitoring*’, *Review of European and Comparative Law*, 63(4) 2025.
- Mirosławski, T. (2025) ‘*Workplace Monitoring in Europe: A Review of Regulatory Perspectives and Developments*’, *Polish Review of International and European Law*, 14(2) 2025.
- Mirosławski, T. (2026) ‘*Historical Origins of Workplace Monitoring: From Ancient Oversight to Digital Taylorism*’, *Z Problematyki Prawa Pracy i Polityki Socjalnej* (Labour Law and Social Policy Issues) – under publication.
- Barański, M. and Mirosławski, T. (2026) ‘*Monitoring the psychological or emotional state of a worker - de lege lata and de lege ferenda remarks under EU law*’, *Prawo i Więź* (Law and Social Bonds) – under publication.
- Mirosławski, T. (2026) ‘*Employee Privacy and Workplace Monitoring in Slovakia: A Labour Law*

Perspective, *Law, Identity and Values*, 2/2026 – under publication.

- Mirosławski, T. (2026) ‘The Right to Privacy from a Constitutional Perspective in the Visegrad Group Countries – An Analysis Referring to the Issue of Monitoring in the Workplace’, *Central European Journal of Comparative Law*, 2/2026 – under publication.