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Dear Committee Members,

We are glad to present you with the seventh issue of the International Employment Lawyer.

Relevant events such as the coming into force of the Sarbanes-Oxley Act and the Enron and Siemens cases have raised the interest and the need for internal investigations at the workplace all around the world.

For this reason, we chose the “internal investigations” as the focus for this issue of the newsletter with a great enthusiasm from our contributors.

The Committee has planned several interesting programs for the ABA International 2007 Fall Meeting London this October and we look forward to seeing many of you there. (For additional information, please visit <http://www.abanet.org/intlaw/fall07/>).

Best Regards,

Anders Etgen Reitz
Editor-in-Chief



Czech Republic

Protection of an employee's privacy under the new Labour Code

by Alena Brichackova

Peterka & Partners

Czech industrial regulations valid until December 31, 2006 did not deal with the protection of an employee's privacy (namely the protection of personal rights). The Labour Code which took effect on January 1, 2007 regulates this area in s.316.

This regulation, however, arises from the protection of the proprietary interests of employers. The Act stipulates that without their employer's consent, employees may not use for their personal needs the employer's production equipment and other means necessary for doing work, including computers and telecommunication equipment (telephone, fax, e-mail). The employer is authorized to inspect compliance with this prohibition in an appropriate way.

The employer, however, may not inspect compliance with this prohibition in a manner which would encroach upon the employee's privacy, e.g. by open or concealed surveillance of employees, intercepting and recording their telephone calls, checking their electronic mail or postal consignments addressed to a certain employee.

An employer may monitor an employee using the above mentioned methods only if serious grounds exist based on the special

nature of the employer's activity. Serious grounds include protection of classified information or trade secrets and the duty of non-disclosure, etc.

Where there is a serious ground which justifies the introduction of surveillance, an employer must directly inform employees of the scope and methods of its implementation.

The terms "adequate surveillance" and the "existence of serious grounds based on the special nature of the employer's activity" will need to be clarified by the courts. For the time being it is generally accepted that an employer is entitled to inspect the hard disk of a PC entrusted to an employee, an employee's computer activity, the time spent on internet surfing and the sites inspected and the number of incoming and outgoing telephone calls and faxes.

Opinions on inspecting a professional e-mail inbox differ. An employee may under no circumstances inspect the contents of an employee's private e-mail correspondence in their private e-mail inbox.