

Counteracting undesirable behavior as a concept of realizing the protection of employee dignity

Summary

The dissertation focuses on pondering the issues of ensuring real protection of employee dignity through active prevention of undesirable behaviours an employee may experience at the workplace.

The regulations of the Code stipulate that the employer is obliged to 'respect' the employee's dignity and his/her other personal rights. The obligation may be construed narrowly and be merely limited to a passive stance adopted by the employer, consisting in his non-violation of the employer's dignity. The employer is the addressee of the guarantees and protective standards set in the labour law, i.e. standards he should apply in his work organisation practice and in the management of the work process. The same applies not only to the employer-employee relationship, but broader – to employee groups and third parties which come in contact with employees whilst performing their jobs in the work process. The parties may represent individuals related to the employer by function or ownership, as well as total strangers.

Considering that the employer manages and organises work, he cannot be deemed an entity merely obliged to passively refrain from infringements on the employee dignity. Hence, it is necessary to determine what falls within the range of the employer's obligation to respect the employee dignity, what mechanisms and legal instruments serve the purpose in the present legislation, and what *de lege ferenda* conclusions should be formulated in this respect.

The subject matter of the dissertation covers issues connected with formulating a definition of the employee dignity, identifying the typology of its violations, reviewing the existing definitions of the labour law delicts for their correctness and their serving the intended purpose. A further objective of the study is to formulate the right principles of the employer's preventing undesirable behaviours. Such behaviours include, in particular, violations of private rights, discrimination, also in the form of pestering, sexual harassment included, retaliation, actions targeted against whistleblowers, and mobbing.

This study is based on the conviction that there is a need to hold research on other behaviours going beyond those defined in the law, all of which violate the employee dignity.

The issue is of significance considering that the heretofore research has focused on identification of the sources, features, and effects of improper phenomena developing in employment relationships and, be it directly or indirectly, infringe upon the employee dignity.

The conclusions of the dissertation revolve around the need for employers to build procedures, monitor the working conditions, and train their employees on a regular basis. The recommended solutions also include the ways of reacting to irregularities, such as special commissions appointed to deal with employee reports, protection of the whistleblowers, or the employers' reaching for external experts. An important aspect of the postulated changes comes down to defining the instruments of supporting the employees who suffer from violations of their dignity. What is meant here is psychological, medical, and legal support. The employer should support the employees who have experienced violence at the workplace. The dissertation puts forward the proposed legal definitions of the employee dignity on the one hand, and new definitions of mobbing, pestering, and sexual harassment on the other hand. The postulated amendments to the law are closed with the proposal of specifying the employers' obligations related to the setting of the rules to prevent undesirable behaviours at the workplace, the proposal crowning the goals and objectives of the dissertation.