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INFRINGEMENT OF EMPLOYERS' PERSONAL RIGHTS IN THE INTERNET

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Abstract

In recent years, the issue of protection of personal rights in employment relationships has become increasingly important. On the one hand, the reason for this is the increase of the threat to these goods caused by the employer's desire to succeed in the conditions of increased competition - employers minimize personal risk, often by excessive and unjustified control over employees, which may lead to a violation of their personal rights.

Keywords *- personal goods, employer, legal protection, confidentiality of information.*

Introduction

Nowadays, an employee's activity "on the net" can particularly threaten the interests of the employer. With the help of information systems and information placed on the Internet, it is extremely easy and at the same time extremely serious to damage an employer. According to recent studies, as many as 41% of respondents look for opinions about the employer on the Internet before going to a job interview, and 36% even before sending their CVs [6]. The personal interests of the employer seem to need more protection than before, because their infringement, due to the activity of the employee "in the network", can have particularly severe consequences. Far-reaching criticism of the employer's actions on a large scale through the mass media may adversely affect the financial situation of the employer, and this in turn may have consequences for employees in the form of, for example, reduction in employment.

Therefore, it seems so important to consider in detail the issue of employer's personal rights from the perspective of the possibility of their infringement in the Internet.

It is impossible not to notice the technological and technical progress, which leads to changes in the conditions of business activity, as well as the

expansion of the Internet. What happens within its framework is of great importance for the real world.

1. Regulation of employer's personal rights

The Labour Code does not elaborate and does not define the employer's personal goods. Therefore, it needs to be considered whether the employer is entitled to protect his personal goods and whether the employee is obliged to respect them.

When trying to answer this question, it is necessary to point to the Constitution of the Republic of Poland, which defines individual rights and freedoms, including the right to privacy, honor and good name (Article 47), freedom and communication (Article 49), freedom of conscience and religion (Article 53), which, although not defined in the Constitution, are guaranteed - to everyone [1].

In turn, the Civil Code in Article 23 indicates an open catalog of personal property, listing health, freedom, honor, freedom of conscience, housing, secrecy of correspondence, inviolability of housing, surname or pseudonym, image, scientific, artistic, rationalization and artistic creativity. In accordance with the indicated provision, these goods remain under the protection of civil law regardless of the means of protection provided for in other provisions. However, the provisions on the protection of personal rights apply accordingly to legal persons (Article 43 of the Civil Code) [3].

In accordance with the above, it should be concluded that the legislator takes under protection certain personal goods and indicates that these are personal goods of a human being. In the article 43 of the Polish Civil Code, the legislator also indicates that the provisions on the protection of personal rights apply respectively to legal persons. Whereas in art. 33 § 1 of the Civil Code it follows, that to organizational units, which are not legal persons, but which are granted legal capacity by the act - the provisions on legal persons shall be applied accordingly, so also in the case of these units the regulations on protection of personal rights shall be applied accordingly. At the same time, the legislator does not differentiate the protection with regard to the subject [3].

Taking into account the above and the provisions of the Code of Labour regulating the issue of who can be the employer, which indicate organizational units, even if they do not have legal personality, as well as natural persons (Article 3 of the Code of Labour) and the provisions indicating who is the employer (the entity which can be the employer and which employs workers,

has the capacity to work) - it should be stated that these entities will be entitled to the protection of their personal rights. However, since the legislator did not decide on a separate regulation of the protection of employers' personal rights, did not specify the prerequisites of this protection and did not construct a catalog of them, it is justified to say that the employers will be entitled to this protection on general principles [8].

Personal rights, although not defined, are understood as intangible assets, which are closely related to the natural or legal person to whom they relate and are generally recognized in society. The nature of these goods makes them effective erga omnes. However, the relationship between the employee and the employer is relevant to the issue at hand, and in the following part of the study I will focus on the violations (threats) of the employer's personal rights resulting from the employee's activity "in the network". [6].

At this point, it should be pointed out, summarizing the above considerations, that the employer has personal goods, which remain under protection.

However, the question still remains whether the employee is obliged to respect them, and if so, on what basis?

It is worth pointing out at this point to Article 100 § 2 of the Code of Commercial Partnerships and Companies, which concerns employee duties. The employee is obliged to, among others: take care of the good of the workplace, protect its property and keep secret the information whose disclosure could expose the employer to damage (Article 100 § 2 point 4 of the Labour Code) as well as respect the rules of social coexistence (Article 100 § 2 point 6 of the Labour Code). The care for the good of the employer, including loyalty to the employer, is a more general obligation, with which the respect for the employer's personal goods should also be connected [9].

Taking care of the employer's interests does not only mean taking care of the workplace in the objective sense, it also means not taking any actions that could harm the employer's interests, cause him harm, as well as those that would be disadvantageous for him. Therefore, according to the provisions of Article 100 § 2 point 4 and 6 of the Labour Code. - the employee is also obliged to respect the employer's personal interests. Pursuant to Article 300 of the Labour Code, the provisions of the Civil Code should be applied accordingly (within the scope not regulated by the labour law) to the employer's personal goods. It should be noted, however, that this application should be appropriate and therefore cannot be contrary to the principles of the labor law [9].

2. Repertoire of employer's personal rights violated in the Internet

The provision of Article 23 of the Civil Code indicates an open catalog of personal goods. Some of the personal goods have been indicated by the jurisprudence and the doctrine. It is worth considering which of them belong to the employer and which of them are particularly vulnerable to violation on the Internet [4].

When defining the catalog of the employer's personal rights, it is worth noting again that the employer may be a natural person, a legal person and an organizational unit. Thus, the employer will be entitled to the personal rights appropriate to the legal form in which it operates. Thus, the catalog of goods will be slightly different with respect to employers - natural persons and other employers - legal persons and organizational units. However, the protection of personal goods will be available to the same extent to the employers, regardless of the legal form in which they operate.

With respect to the employers - natural persons, the following personal property, which will be particularly vulnerable to infringement "in the network" should be pointed out: honor, surname, peace, privacy, intimacy, the name of the partnership enterprise, company, secrecy of correspondence [1].

In turn, with regard to other employers, it is worth pointing out in particular: good name (reputation, good fame, reputation), name, company, trademark, business secret, including correspondence secret, right to clientele.

As far as the personal rights of the employer - a natural person are concerned, the first thing to be pointed out is his honour. The doctrine assumes that honor is the respect that an individual enjoys in the society, in the group, in the community to which he belongs. Infringement of this good may result from the employee's activity "in the network", who publishes unflattering, often untrue information, entries, comments, either on Internet forums, or as part of his/her blog, or finally on his/her own website.

The employer's personal good in the form of honor may also be violated by insulting entries posted on social networking sites, such as: Facebook, Twitter, GoldenLine, etc. Another potential place where the employer's personal rights, especially the employer's honor, may be violated are job portals, such as Gowork, where opinions about employers are posted. In such situations, the personal property of the employer - a natural person in the form of his name - may also be violated [10].

Among the "non-code" goods, it is worth pointing out the peace, privacy, intimacy, the name of the partnership enterprise and the company. As a result

of the above mentioned activities of the employee "in the network", the personal property of the employer may be infringed in the form of the name of the company, which is the personal property of its partners, since the company run by them is traded under this name.

Another good that may be infringed by the employee's activity on the Internet is peace of mind, understood as not unlawfully influencing a person through external factors, e.g. noise, but also internal factors - human psyche. Therefore, unlawful statements posted on the Internet, which disturb the peace understood in such a way, will infringe the employer's personal good subject to protection.

The employer's privacy, understood as a sphere free from interference of third parties, may also be violated. Although there is no uniform definition of privacy, it can be indicated as "an area of inaccessibility, protected from the curiosity and prying of others, a sphere free from outside interference." The personal good of the right to privacy has been fully endorsed by the Supreme Court. Already in the rulings of the 1980s, it was singled out as an important and deserving of protection individual good. Therefore, I believe that the privacy of both the employee and the employer should be protected. Especially as it is becoming increasingly difficult to separate information concerning only one's professional life from information concerning the nonprofessional sphere [2].

As far as the personal rights of employers - legal persons are concerned, it is pointed out in the literature that these rights are non-material values, thanks to which a person can properly function according to the scope of his activities. At the same time, the scope of activity of legal persons, especially those conducting business activity, should be broadly understood - it includes not only production, manufacturing and service activities, but also relations with clients and contractors, as well as with supervisory bodies or the parent company [4].

Therefore, the good exposed to infringement, especially by the employee's activity "in the network", is first of all the good name of a legal person (reputation, good fame, renown). This good is a counterpart of the good, which is the honor of a natural person. The Supreme Court in the judgment of 16 September 2021. II PSKP 44/21 - indicated that "(...) good customs require that respect be maintained for each employer, counting on their sense of dignity or good name (reputation), personal or public value or social usefulness or usefulness". Thus, those entries in the Internet, which will disseminate untrue information about the quality of services provided or goods manufactured, could be considered to infringe the employer's personal rights.

Moreover, the Regional Court in Lublin dated November 25, 2021. VIII Pa 110/21. reasoned that the violation of personal interests not only of the company's authorities, but also of its employees may harm the good name of the "company". According to the Supreme Court, an attempt to discredit the professional and moral competence of journalists also harms the good name of the publisher, who is responsible for the final shape of the newspaper and the publications published there.

Protection also extends to the business name and, as indicated in the literature, regardless of the name, trademark, business secret, including secrecy of correspondence, the right to customers, and freedom of communication.

The company name is the name of an enterprise (or entrepreneur), which individualizes this entity in the market. A name, on the other hand, is a distinctive feature of a legal entity, which is granted to all legal entities, regardless of their economic activity. The name identifies and individualizes the legal entity in the trade. A trademark serves to distinguish certain products and goods and is protected not only under civil law but also under industrial property law. The right to a clientele is the good of having a certain clientele, who constantly use its services or products and because of that its enterprise is more attractive on the market. It demonstrates the employer's reputation and potential attractiveness [11].

Company secret is a good that includes technical secrets, but also commercial, organizational information, as well as those of the operation of the technological facilities and concerning the clientele, as well as data on the situation of the legal entity.

However, in order for specific information to be considered a business secret, an entrepreneur must first make efforts that are necessary to maintain the confidentiality of such information, as required under the Act on Combating Unfair Competition. Such information should also be secured and protected against disclosure. The Supreme Court in its judgment of 16 September 2021. II PSKP 44/21 - also emphasized that conducting competitive activity is different from disclosure of information that is particularly important for the employer, which is closer to infringement of the prohibition to disseminate business secrets.

Thus, to sum up the above discussion, it should be emphasized that due to the employee's activity "on the Internet", the employer's good name and honor are particularly at risk of infringement, especially when the entries, comments or statements posted on the Internet will slander the employer for negative conduct or will accuse the employer of improper conduct in professional life.

Honour, good name, good fame concern all areas of human activity, not excluding the professional field.

It should also be stressed that the employer's good name (reputation, renown) may also be infringed as a result of photos being posted on the Internet if the employer is a legal person or the employer's honour if it is a natural person. If due to the posted photos (e.g. of an employee who drives under the influence of alcohol or an employee who vandalizes the employer's property) the employer will cease to enjoy the hitherto respect or will lose its regular customers (then its good will be infringed in the form of the right to a clientele), such behaviour will infringe the employer's personal good. It should also be pointed out that the provisions of the Civil Code, applied in the context of the labor law, adequately protect the threat of personal property, so, as will be discussed later, the employer will be able to claim protection even if the posts or pictures do not cause infringement, but the threat itself [7].

It should also be noted, as pointed out in the literature, that the personal rights may also belong to the organizational units, which do not have legal personality and which are not equipped by the legislator with the legal capacity, because the protection may cover, for example, the name of the civil partnership. It is also assumed that the regulations concerning personal rights of natural persons shall be applied accordingly to the so-called "legal incapacitated persons".

3. Prerequisites and ways of protecting employer's personal rights in the Internet

According to the article 24 of the Civil Code, the one whose personal property is endangered by somebody else's action, can demand to stop this action, unless it is not illegal. In case of infringement of protected personal good - he can demand from the person who committed the infringement to remove the effects of this infringement, in particular to make a statement in an appropriate form or content. In accordance with the provisions of the Civil Code, he can also demand monetary compensation, as well as payment of an appropriate sum of money for a social purpose. If the infringement of personal rights results in damage, it can be redressed according to the general rules [3].

Due to the lack of regulation of these issues in the Labour Code, the above mentioned regulations should be applied accordingly. It should be borne in mind, however, that in the labour law, the employee is liable for damages for culpable infliction of damage (Article 115 of the Labour Code), limited to the

consequences of normal acts and omissions which resulted in damage and within the limits of actual loss (i.e. without lost profits) incurred by the employer (Article 116 of the Labour Code), excluding the consequences of actions of other persons who contributed to the damage and the consequences of actions within the limits of acceptable risk (Article 117 of the Labour Code). In the case where the damage was unintentionally inflicted, the amount of compensation cannot exceed three months' remuneration, while an exception in favour of full liability was stipulated by the legislator only in the case of intentional infliction of damage and liability for entrusted property. Thus, the employee's liability in case of causing damage to the employer as a result of his/her activity "in the network" will be regulated under the Labor Law, in case of unintentional causing of damage [7].

However, as follows from the above considerations, especially those in the field of civil law, the damage is not a premise for the protection of personal rights. Therefore, the employer is entitled to the protection of the employer's personal rights regardless of the fact whether or not the damage was done to the employer as a result of the employee's activity in the "network".

However, it is necessary that the action which is to infringe (threaten) the employer's personal rights is unlawful. Therefore, the employer will not be entitled to protection if, although a violation (threat) occurred, it was caused by actions which were not unlawful. However, due to the presumption of unlawfulness, the person who violated (threatened) the personal rights of the employer will bear the burden of proving that the violation was not unlawful. The unlawfulness is regarded as acting contrary to the broadly understood legal order, as well as acting contrary to the rules of conduct adopted in the given circumstances, which result from the principles of social co-existence.

Transferring the above considerations to the issue at hand, it should be emphasized that the employee's activity "in the network", which threatens or violates the personal rights of the employer, will be unlawful, unless one of the cases excluding unlawfulness occurs [2].

The provisions of the Civil Code, applied in the context of the labor law, indicate in this regard, the consent of the authorized party, acting on the basis of the law or in order to exercise one's own subjective right, abuse of the subjective right by the person whose rights have been violated (threatened), acting in defense of a legitimate interest (social, private).

Two of the mentioned circumstances are particularly important in the context of possible infringement of personal rights of the employer by the employee's activity on the Internet. These are: exercising one's own subjective right, in particular the employee's freedom of speech (expression) and

his right to privacy, as well as acting in protection of a legitimate interest. In the latter case, the employee's right to justified (factual and constructive) criticism of the employer should be considered. It should also be stressed that acting under the conditions of the indicated counter-rules may often lead to a collision between the employer's legitimate interest and the employee's legitimate interest.

The freedom of expression guaranteed under Article 10(1) of the Convention for the Protection of Human Rights and Fundamental Freedoms includes both the freedom to hold opinions and to receive and impart information or ideas. However, Article 10(2) of the Convention indicates that the exercise of these freedoms may be subject to such formal requirements, conditions, restrictions and sanctions as are prescribed by law, and which are necessary in a democratic society, inter alia for the protection of the reputation and rights of others. Also the Constitution of the Republic of Poland in Article 54 (1) ensures citizens the freedom of expression. Therefore the employee cannot be deprived of the possibility to openly and critically express his opinion on the matters concerning the organization of work, such as the order of activities or the division of tasks, however, the justified criticism of the relations existing in the workplace should be within the scope of the legal order and be characterized by the appropriate form of expression, it cannot disorganize the work and prevent the normal functioning of the workplace and the realization of its tasks [1].

An employee has the right to criticism supported by factual arguments, whereas ostentatious questioning of decisions using insulting words instead of factual arguments exceeds the limits of such criticism. This type of behavior cannot be justified by the employee by claiming that he or she was motivated by the good of the workplace, since the responsibility for the functioning of the workplace and the associated risks lies with the employer. These theses seem to be of substantial importance when evaluating the content of statements posted by an employee on the internet. It follows from the case law of the Supreme Court that it is permissible to express critical opinions about the organization of work when everything is done in an open manner, within the workplace. Therefore, a contrario, it should be assumed that criticism of the employer posted on the Internet may be regarded as prohibited, exceeding the limits of the permissible form - when it is addressed to persons outside the workplace or it is not information available to the employer. Criticizing the employer outside the workplace very often constitutes a breach of the duty of loyalty and may justify termination of the employment contract. This also applies to cases in which the allegations do not take an offensive form, and

some of them turn out to be true. The above considerations seem to be fully valid also in terms of criticism of the employer on the Internet [9].

It is also worth noting an interesting observation indicating that the decisive factor for the issue of illegality (or lack of illegality) of an employee's action is not only the priority of the employer's violation of his rights (which makes the employee's action enjoy the countertruth of illegality). Equally important is the gravity of the violation. This is also confirmed by the case law cited by the author. In accordance with the ruling of the Regional Court in Łódź of 3 August 2021. VIII Pa 87/20 - as a rule, a person acting reprehensibly retains the right to the protection of reputation in the case of an allegation of behaviour more reprehensible than the one he/she committed.

Therefore the decision whether an employee's action was unlawful should be made ad casum, taking into account both the "priority" of the reprehensible act and its gravity. Therefore, there is no automatism in losing the protection of personal rights in connection with the reprehensible behavior of the other party to the employment relationship.

It should be noted that it is necessary to look for a new balance in the employment relationship, so that the interest of the employer in a post-industrial economy is adequately protected. The effectiveness of this protection largely depends on its adaptation to specific economic and social conditions, the level of economic and civilization development [4].

Therefore, it is worth considering how, in the context of the employment relationship, the employer can protect his personal goods, especially to prevent their threat (or violation) as a result of the employee's activity "in the network". However, it should be remembered that the employer will also be entitled to protection under civil law, as well as to criminal law protection if the employee defames the employer in the Internet, for example.

First of all, it should be pointed out that the employer has the right to manage the work process (Article 22 of the Labour Code), and therefore the employer may in particular give orders to the employee, which the employee should obey (which also follows from Article 100 of the Labour Code). Therefore, the employer may enforce the employee to fulfill his obligations, in the aspect of the discussed issue - the obligation to care for the good of the workplace and observe the rules of social coexistence. Their enforcement will in turn imply protection of the employer's personal rights. A tool that the employer can use for this purpose is the control, and to be more precise, in the context of the employee's activity "in the network" - control by means of modern methods [5].

This way of protecting the employer's personal rights seems to be quite common among employers. According to the reports prepared mainly by the

organizations dealing with the protection of personal data and the right to privacy, it is estimated that in Poland already in 2008, more than 7/8 of employers monitored the e-mail of their subordinates.

At this point, however, it should be noted that the employer cannot violate the employee's rights by exercising his own rights. In particular, the employer, in order to protect his personal rights, cannot violate the law (Article 113 of the Labour Code. It is worth mentioning in the context of this issue, the provisions concerning the place and time of work - outside them the employee changes his role, and therefore the employer has a limited possibility to control the non-work activity of his employee), the employment contract or another act creating the employment relationship (which determines the scope of the employee's duties, and thus the scope of employee's subordination), as well as the rules of social interaction and socio-economic purpose of the law (here the purpose of the employment relationship, which is certainly not the surveillance of the employee) [5].

In this aspect, it seems that the employer, who exceeds the limits of his control powers, will not benefit from the protection of his personal rights, because the action of the employee cannot be considered unlawful. According to the judgment of the Court of Appeal in Łódź, the employing entity is not entitled to monitor the content of private e-mail, even if the entity has established a ban on sending private messages, except in random cases. On the other hand, I believe that an employer, in order to protect itself against threats or violations of its personal rights, may block access to employees' private e-mail boxes and certain websites with the use of certain technical tools if it does not want the employee to use them during work time.

On the other hand, we should be very cautious about modern spyware, which can provide very detailed information about an employee's online activities. These programs, once installed, work constantly, and the employer can obtain information (in real time) about the text typed from the keyboard of a given computer. The development of technology has also led to the creation of tools that ensure full control of all entries made by employees "on the web" and the selection of information according to specific criteria (key words). The employer, after entering the employee's name and surname, may receive information about the employee's entries, comments, which are additionally flagged if the entry harms the image and reputation of the "company". According to estimates in 2009. 25% of employers used such programs [1].

However, the use of these tools by the employer, which are part of the monitoring of Internet traffic, does not seem to be legitimate. In the case law of the European Court of Human Rights, it was indicated, in the case of Cop-

land v. United Kingdom, that the employee's "legitimate expectation of privacy" refers to all communication tools used by the employee in the workplace, including information exchanged via the Internet, and thus through social networking sites or instant messaging. Once again, it must be emphasized that the employer, in order to protect its personal rights, may not violate the privacy of the employee. Certainly, the control can also be neither hidden nor total. There is no implied consent (and even an explicit one seems doubtful) of the employee to control the company computer, even if it is used by the employee for private purposes. All the more so, it seems that the employer, while entrusting the employee with the equipment to perform his or her work-related tasks, should indicate whether the Internet and e-mail may be used, and if so, to what extent, for private purposes - in order to protect the employee from a possible threat (violation) of his or her personal rights on the Internet.

It should also be noted that the limit of the employer's inspection powers (the limit of protection of the employer's personal rights) will be the duty to care for the good of the workplace (the duty to submit to inspection), but if there is a clearly justified need, connected with protection of the good of the workplace and to the extent not conflicting with other relevant legal regulations and legally protected goods. The duty of care for the welfare of the workplace is not absolute. The limits of this duty are set by the interest of the employee or the employee collective to which the employee belongs.

Finally, it should be noted that the labor legislator also equips the employer with instruments other than control powers, which allow him to protect personal goods. Namely, it concerns termination of the employment contract for violation of the duty to take care of the good of the workplace and violation of personal goods of the employer, e.g. through unjustified criticism, which may also take place on the Internet. It should be noted that insulting the employer and making unfounded accusations of committing a crime violate the duty to care for the good of the workplace even if it takes place while the employee is not at work [2].

If the employee's conduct disregards good manners and damages the employer's good name (by insulting the president of the company's board of directors, ascribing him demeaning features in the public opinion or omitting him when making decisions) it may be a justifiable reason for termination of the employment contract. Also exceeding by the employee the acceptable limits of criticism of the employer's actions, defining the goals and methods of achieving them in the framework of the employer's business, may constitute justification for termination of the employment contract for an indefinite period.

It is also worth pointing out that the employee's duties include the obligation to keep secret the information whose disclosure could expose the employer to damage. The violation of this obligation may be recognized as the violation of the basic obligations of the employee and justify the termination of the contract pursuant to art. 52 § 1 point 1 of the Labor Code. [8].

When evaluating the legitimacy of the application of the abovementioned way of protecting the employer's personal interests, one should refer to the employer's interest that deserves protection. This interest, among others, in the case law of the Supreme Court, is a prerequisite for the correctness of the employer's use of his rights. As the exercise of the rights by the employer will lead to the diminution of the employee's legitimate interest - the court has to appropriately balance the interests of the parties to the employment relationship. It is assumed that the objective interest of the employer, i.e. rational, actual and justified interest, enjoys protection. The exceptions are the cases where the manner of conducting business by the employer is concerned, because then the courts, in accordance with the principle of freedom of business activity, protect the subjective interest, as it is perceived by the employer [1].

At this point, one more aspect of the considered issue should be noted. Namely, the liability of service providers for storing unlawful data (information) concerning the employer. These issues are regulated by the Act on Providing Services by Electronic Means, which is one of the acts in the Polish legal order creating the legal framework for the functioning of the information society.

Pursuant to Art. 14 of the Act, as soon as the service provider learns through official notification or reliable information that unlawful data (offensive or vulgar information) is stored in the ICT system resources provided by the service provider, the service provider should immediately prevent access to such data. Otherwise he/she is liable for infringement of someone else's personal good. This position was taken by the Supreme Court in its judgment of 14 August 2019, stating that a service provider who provides electronic services consisting in allowing free access to a discussion portal created by itself is not liable for the infringement of someone else's personal good by the recipient of the service who makes an entry on such portal, unless it knew that the entry infringes this good and did not remove it immediately.

In turn, the justification of the judgment of the Regional Court in Łódź of 3 August 2021. In the justification of the judgment of the Regional Court in Łódź of 3 August 2021 (case ref. VIII Pa 87/20) it was indicated that the protection of personal data is not absolute and may not be reduced to absurd situations, such as a situation where no data allowing identification of the

employer may be placed on an Internet portal concerning employers. Irrespective of this view, the Court ordered to remove the offensive and vulgar entry concerning the employer, as it violated his personal good in the form of good name [10].

Therefore, an important way to protect the employer's personal rights is also, if the employer finds content on the Internet that violates his personal rights, to turn to the service provider (portal, forum administrator, etc.) with a request to remove such entry/content. If the employer does not know who the author of the offending content is, he can ask the police to determine the IP address of the offender's computer and then pursue claims against that person under the Civil Code, and in the case of defamation, criminal prosecution will also come into play.

Conclusion

Concluding the above discussion, it is worth noting that it is the legislator who should bear the burden of resolving conflicts of protected values and interests of entities it protects, as legislation, including labor legislation, should be the regulator of social relations. This postulate requires that interests be balanced in such a way that the interest of one party to the employment relationship is not subordinated or pursued at the expense of the other. Obviously, the only goal of regulation cannot be the employer's profit or elimination of personal risk, but it seems to me necessary to provide the employer with instruments that will allow him to protect his legitimate interests more fully, including his personal interests. It is necessary to draw a new line of demarcation between legitimate and unauthorized control over the private life of an employee, so that respecting the interests of both parties of the employment relationship, their personal goods are properly protected.

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