

Aleksandra Pietras

**The impact of work-life balance concept on the protection of personal
interests in the employment relationship**

*(Wpływ koncepcji work-life balance na ochronę dóbr osobistych w stosunku
pracy)*

SUMMARY

PhD thesis prepared at the Department of Labour Law
under the supervision of prof. Zbigniew Góral

Łódź 2021

The aim of the thesis is to analyse the relationship between work life and private life from the perspective of labour law in order to address the question whether it is possible to isolate the sphere of professional work and the sphere of privacy of an employee. The considerations presented in the thesis are based on the assumptions of the concept of work-life balance, understood as a state of relative equilibrium between the amount of time devoted to professional work, family life and self-development in the spiritual, intellectual, physical and social sphere. It must be considered that apart from work, bringing up children or caring for elderly family members, there are also certain obligations arising from e.g. household management or social activities and further education taken up by an employee. What is more, a person must also have time to satisfy their physiological needs, including the need for sleep and time for entertainment, sport, culture, recreation; in other words, a certain amount of time which can be used according to their likes and interests.

Considering the above reasons and despite the fact that the concept of work-life balance was born on the grounds of non-legal sciences, there should be no doubt that it has serious implications, especially in the field of labour law. The right to rest, as well as ensuring that obligations resulting from the private sphere and developing interpersonal relations (also in the workplace) can be fulfilled, is an issue important from the perspective of protecting personal interests of an employee, in particular their health and right to privacy.

The dissertation was designed to present the most important aspects of protecting the employee's personal interests from the perspective of the work-life balance concept. The dissertation has been divided into four chapters. Detailed issues discussed in the paper are preceded by an introduction, which explains the importance and topicality of the problem and presents the research hypothesis. The introduction also defines the methodology of the research.

One of the arguments justifying the choice of the topic undertaken is the growing interest in the issue of work-life balance, which results from many factors of a complex nature. Among them, one should mention the progressing digitisation of work and the limitation of the possibility to provide work in a traditional way, due to the necessity to prevent the spread of COVID-19 in the society and to protect employees against infection. The popularization of remote work has important implications for the protection of personal interests of employees. There is no doubt that working from home makes it much more difficult to balance the professional and private spheres. In this regard, the process involving the development of the so-called culture of a constantly available employee has accelerated as a result of the pandemic, and there are grounds for concluding that, even after the COVID-19

crisis has been contained, the problem of a permanent communication between worker and employer will remain.

The main aim of the first chapter is to determine how to interpret one of the key concepts of work-life balance and to present its origins and factors influencing the growing interest in this topic. This chapter also presents the evolution of perceiving work and its significance for human life over the centuries. The introductory considerations are therefore focused on showing how the relationship between work and leisure time, including the view of work itself, has evolved in the course of history. Additionally, the analysis includes the ethical dimension of human work, which results from the assumption that achieving a work-life balance is an inseparable element of exercising the right to decent work. Basing on the axiological foundation of the right to work, a point concerning work-life balance and additional employment has also been outlined. The perspective of the work-life balance concept has also served as a background for considerations devoted to the analysis of opportunities and threats related to the development of flexible forms of employment.

The second chapter discusses in detail the personal interest of the employee's right to privacy. The considerations in this part of the paper focus on the issue of control over the employee, with particular emphasis on video monitoring in the workplace, e-mail monitoring and control over the employee's telephone calls. The adoption of such a construction of the second chapter is due to the risks associated with the improper use of the employer's control powers. Taking into account the multi-faceted nature of the problem of the right to privacy, the considerations have been extended to include selected specific problems, among which the control of the employee's physical appearance, control of the employee using biometric data and monitoring of the employee's leisure activities should be mentioned.

The third chapter addresses the issue of health of an employee as another personal interest, analysed from the perspective of the work-life balance concept. Also in this part of the dissertation, detailed considerations are preceded by general remarks on employee health, including what is meant by the notion of health. In this chapter, psychosocial risks, which are increasingly common in the work environment, are presented. The consequences of such threats have been shown on the basis of selected specific problems, i.e. mainly in the context of stress at work, workaholism and professional burnout, taking into account such important contemporary issues as the employee's right to remain offline.

The last chapter has been devoted to the issue of maintaining balance between professional work and the privacy in the era of digital society. Given the dissemination of various forms of remote working, including working through digital platforms and

applications, it is becoming increasingly difficult to draw the line between work and private life. In this chapter, attention is therefore drawn to the risks accompanying the intersection of work and private life in relation to working from home using the latest technologies. Furthermore, the following notions have been analysed: digital society, workplace in the age of digital civilisation, remote work and telework.

In the concluding chapter, the most important *de lege lata* and *de lege ferenda* conclusions are presented, confirming the thesis stating the need to influence professional and private life of the employee through labour law standards, as well as indicating that there is a strong correlation between measures taken within the scope of work-life balance and improving performance of the employee in the area of professional, personal and family life.

14. 06. 2024 r.

Aleksandra Pietras