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Doctoral Dissertation – Abstract

**Information Obligations of an Employer to an Employee in a Contractual
Employment Relationship**

The main reason for writing this work is the steadily increasing importance of information in social relations. In the legal sphere, the most attention is given to the access of citizens to public information. Simultaneously, however, there is a growing interest in the right to information in relations regulated by private law. In the field of labour law the literature discusses extensively collective employee's rights to information. My work is dedicated to an individual employee's right to obtain information from the employer. So far, there hasn't been any study devoted to this subject.

The main aim is to present a comprehensive system of employee's right to information, which is covered by several dozens of articles laid down in the Labour Code. Therefore, the purpose of this study is not to describe or focus on specific information obligations of the employer to the employee, but to develop a systemic analysis of the issue.

The first chapter contains concepts related to the employee's right to information; the question is how the concept of information should be understood and what is the employer's obligation to provide information to the employee and what is its legal nature. Much attention was given to a distinction between collective and individual Labour Law, which allowed a distinction between individual and collective rights of employees to be informed by the employer.

Therefore, the notion of the employer's information obligation to the employee in individual Labour Law should be understood as the obligation of the employer to a single (individual) employee covered by the content of the employment relationship existing between them. It consists in transferring, in a form of statements of knowledge, information concerning the legal status of the employee (information about legal regulations) or knowledge about facts, which is in the interest of the employee. The employer should also communicate the employee, in a form of statements of will, arrangements regarding the implementation of the employment relationship, if it is prescribed by law. Collective employee's information rights are different from individual rights, because they are not designed for individual

employees but only for employees represented by trade unions or another representation thereof.

In next part of the work I present sources of this obligation and its scope. Much attention is paid to regulations of the European Union law concerning the individual employee's right to information, in particular Directive 91/533/EEC. I distinguish so-called named and unnamed information obligations. The latter are characterized by the fact that they are not explicitly mentioned in legal regulations but result from a general obligation to inform the employee of any significant (relevant) aspects of the employment relationship. I put forward a thesis that there is no basis for the formulation of a mega employer's obligation to provide information to the employee, including a duty to provide ex officio any information concerning the employee's legal or factual situation. The limits of the information obligation are determined primarily by "the importance" of information judged from a perspective of its relevance in the context of the implementation of an employment relationship. Sometimes, the employee's knowledge level, for example resulting from education or work experience, may affect the required level of generality of information both regarding his or her rights and duties.

Next, I provide a classification of the employer's information obligations basing on different criteria, such as formal and substantive criteria. It is used in the next chapter of the study, where I describe functions of the worker's information rights and more general reasons for their enactment.

Moreover, consequences of a breach of these duties are the subject of a significant part of the work. The paper discusses not only civil sanctions, but also criminal sanctions for breaching those obligations. An important role is also played by considerations on the importance of obtaining information from another source by an employee.

In the last chapter, which at the same time is the conclusion, I summarize investigations made in the earlier parts of the work and stress that we can speak of a coherent system of the employee's rights to information. I also indicate that there are many important reasons for recognizing that the principle of the employee's right to information is in force in Labour Law. Therefore, it is normative. It can be derived inductively from provisions relating to the employee's right to information. It can be very helpful in resolving the so-called hard court cases concerning the employee's rights to information.