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The control of the (private) life of workers through digital media and its collision with the Right to Privacy / El control de la vida (privada) de los trabajadores mediante medios digitales y su colisión con el Derecho a la intimidad

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ABSTRACT

Progress in the process of digital transformation, inseparable from globalization and that modifies the traditional forms and balances of economic and social organization, is being of such magnitude and speed that it is currently at the forefront of discussions on competitiveness and economic growth within the European Union. The digitization of the economy is projected in the field of labor relations and in the future development and conception of work. Normally, the emphasis is on those aspects related to the new work modalities, the management of time and the new role that unions have to play. The digitization of the production of goods and services affects, among other relevant aspects, the employee's own work relationship, the application of the work contract, the emergence of new forms of employment; the content of the performance of work; to exercise corporate powers of direction and control; the place and time of performance of work; to salaries; to on-the-job training; to safety and health at work; access to social protection; or, in the collective plane, to the instruments of representation and collective negotiation. However, the new digital revolution is characterized especially because new forms and methods of communication are verified and applied, thus making the expression that we are in a connected society. It is not necessary to emphasize the importance that, in the framework of the information society, covers the current development of techniques and procedures to capture, manage and transmit the data related to physical persons constituted by sound and image. If we focus such problems in the work field, we can say that the limits between private and working life require greater precision. The violation of the right to privacy through the processing of personal data seems to us as one of the issues that in the future will generate greater labor unrest. It is necessary to set limits on the exercise of corporate power control work activity when that power could affect fundamental rights of workers. In this paper we will try to deal with the scope of the so-called right to informational self-determination and the possible interference in privacy by computer media, inside or outside the company, as well as the scope of the so-called right to disconnection as another and the scope of the right to call off as another aspect within the wider reality of digitalization.

KEYWORDS digital transformation; labor relations; privacy; corporate power; informational self-determination; the right to disconnect

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