

15-16 September 2014 Dublin, Ireland

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**REPORTERS:**

Tron Løkken Sundet, Vice-President, Labour Court of Norway

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*Name:*

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Please kindly return the completed questionnaire to the general reporter: Angélika Muller, ILO at: [mullera@ilo.org](mailto:mullera@ilo.org) with a copy to her assistant at LABOURLAW unit at: [bernales@ilo.org](mailto:bernales@ilo.org)

**Questionnaire**

**“Impact of Information Technologies (IT) on industrial and employment relations” – review of national case law**

“Information technology (IT)” covers a broad range of issues. Our aim is to discuss questions relating to IT in a broad sense, including social network (use of Facebook – both “open” and closed groups), blogs, Instagram etc.

We kindly ask the national reporters to present relevant case law on any topic within the following two main areas:

1. Individual labour law – this covers all phases of the employment and the individual employment relationship:
  - Use of IT in the hiring process (for instance “googling”, performing background checks etc.)
  - Use of IT during employment (monitoring, control measures, use of email, control of mailboxes, including private mailboxes, sms etc.). Restrictions on private use of IT and IT activity outside the work place (for instance on social networks).
  - IT activity as ground for termination of employment / in connection with dismissal.
2. Collective labour law – inter alia, use of Facebook, blogs, sms etc. in connection with industrial action, for instance in connection with a demand for collective agreement.

To the extent that there are restrictions in your jurisdiction on the use of information derived from social media as evidence in legal proceedings, you may include comments on this.

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Most jurisdictions will be bound by, inter alia, the Data Protection Directive (95/46/EC). The European Convention on Human Rights and the right to privacy is also relevant to the discussion. We assume that legislation implementing the applicable international rules is in place in each jurisdiction – and that such rules are broadly similar for all (most) of us.

It is therefore not necessary to describe these rules in your report unless there are special matters applicable to your jurisdiction.

We ask each country to present one (or a few) cases within the two main areas mentioned above. Please give a brief summary of each case and describe why you consider it to be of particular interest to our topic. If the judgment is available in English or a Scandinavian language (or if a translation is available), this may be included in the report.

Based on the cases that you present, we hope to facilitate an interesting and stimulating discussion which may form the basis for a more detailed report on the issues raised.

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