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*Institutions concerning individual labor law
in the light of challenges and threats connected to information civilization*

*(Instytucje indywidualnego prawa pracy
wobec wyzwań i zagrożeń cywilizacji informacyjnej)*

SUMMARY

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The paper describes the influence of information civilization (it is referred to as “information civilization” in this dissertation but there are different names for this phenomenon with the same or similar significance, for example: digital age, postmodernism, post-industrial civilization, technical civilization or computer age) on labor law, in particular in reference to labor law institutions, but, additionally, correlations between labor law and information civilization as it constitutes a specific context for the author’s findings; namely the author researches specific challenges and threats concerning selected institutions of labor law.

The components of information civilization (new technologies, new work organization, information society) and civilization related phenomena (globalization, cultural changes, very rapid transformations of civilization) served as a specific context for the author’s legal reflection.

In the dissertation the author analyses the impact of new technologies on the sphere of employment, new work organization and the manner in which this new work organization alters social relations in which work is performed. Additionally, this new society (referred to as “information society” in the dissertation) plays a significant role in shaping sphere of employment and consequences concerning labor law institutions.

Apart from what has been indicated above, there are numerous correlations between labor law and information civilization. The paper presents the impact of various issues connected to information civilization, for example globalization, cultural changes, generally speaking transformations involving civilization, on the role of the employee and employer. In other words, the information civilization has affected the workforce in several manners. The author characterizes information civilization, emphasizing its impact on the institutions of individual labor law.

The dissertation consists of two main theses and three hypotheses.

The first thesis is as follows: there are correlations between individual labor law and information civilization. In this paper, on these grounds, the author argues that the issues regulated by the institutions of individual labor law evolve under the influence of specific phenomena and the substrates impact concerning information civilization (hypothesis 1). These views are grounded on the assumption that conditions of work performance and social relations in which this work is performed may be determined by the influence of civilization factors (hypothesis 2).

The main research problem analyzed in the paper is to draw attention to determining the impact of the information civilization (through its specific phenomena, substrates and creations) on the social relations in which the work is performed.

Taking this point of view, the author claims that the current shape of selected institutions of individual labor law does not respond sufficiently (does not respond within full scope) to specific challenges and civilization threats (thesis 2). According to the author, legal solutions should reduce

risks and take challenges into account. The shape of selected labor law institutions determines development or lack of development in reference to the information civilization. It was necessary to prove the truth of this thesis, to justify the reasons behind this state of affairs.

In the present study, the issue under scrutiny discussion involves determining the incoherence (inadequacy, incompatibility) of the shape of the individual labor law institutions in reference to the challenges and threats of information civilization. In other words, the author claims that issues appear as in some cases legislator provides new norms which are not adequate as regards challenges and threats concerning information civilization.

This issue is clouded by the fact that the institution of individual labor law were shaped and developed in completely different conditions from those existing today. Naturally, law that originated from Latin civilization is responsive and it constitutes a reflection of reality.

Given the centrality of significant technical, social and cultural transformations in the field of social relations, in which work is performed, resulting from the development of information civilization, from the author's perspective they provide an excellent incentive to consider how the labor law can affect information civilization through its institutions. This view is grounded on the assumption that the influence of individual labor law institutions on information civilization depends on shaping them in such a manner that they respond to the challenges of information civilization and its threats better than before by minimizing them (hypothesis 3).

The main concern of the paper is the possibility of causing the assumed social effects (in the sphere of employment), which are to respond to challenges regarding information civilization and reduction of civilization threats by applying legal methods (by law), i.e. by taking on a specific legal form of regulation concerning individual labor law institution.

Information civilization influences the labor law (more precisely, individual labor law), especially by shaping labor law institutions. In other words, labor law changes under the influence of new civilization.

However, there are numerous areas where legislator has not provided norms even though it is necessary. For that reason, the author attempts at finding proper solutions concerning these issues.

The authors tries to learn for whom these solutions are good, from which perspective the aforementioned solutions can be perceived as beneficial. This dissertation is devoted to new technologies and civilization changes transforming the work process and how labor law responses to these phenomena. Consequently, one can observe changing norms and discuss the aforementioned changes. The author included such a discussion in this dissertation.

The scrutinized research area justifies the adopted dissertation system.

First part of the dissertation describes socio-cultural context of work, which is extremely significant and it includes a survey of empirical data regarding this topic. The following chapters

discuss: the shape of employment relationship and the issue of employment law in reference to information civilization, the issue of working time and places of performing work (the concept of a workplace in digital age as well - due to the development of work in cyberspace), new methods of concluding a contract and making declarations of will, rights and obligations of the parties to an employment relationship, work protection in reference to new working conditions altered by new technologies and new work organization.

Finally, the author attempts at explaining or proving a thesis stating that the change of law can transform the reality as it can allow the society to apply new technologies or it can inhibit the development of new technologies. The author presents scenarios concerning the development of institutions of individual labor law and how they should shape information civilization. The author presents the manner in which new technologies and civilization changes transform work process and how labor law responds to this issue. The scholar indicates how the law should respond as well. Moreover, the author proves that the manner in which the law reacts can influence the shape of information civilization. A critical review of professional literature in this respect allowed the author to present multivariant analysis and to analyze the effects.

Analysis of available evidence (statistic data) allowed the author to assess the effects of the influence of information civilization on the sphere of employment and to specify challenges and threats concerning selected institutions of labor law.

Current research validates that many threats are a result of impact of information civilization on employment area. The employees are being replaced by computers which can perform their tasks faster and more effectively. Moreover, they are forced to compete on a global job market. These threats constitute the context for considerations concerning the digital division and technological unemployment. Work according to the Ford model has begun disappearing either due to outsourcing or automation and nowadays there is a new group of employees: information employees and new type of work: information employment. Employee performing easily automated tasks is forced to find a work position which cannot be automated. The aforementioned components serve as a background for considerations concerning employment law and the legal situation of the parties to the employment relationship.

Another significant threat involves cyber attack and working in cyberspace. It can be understood as a group of cyber-threats and they constitute the context for considerations concerning work protection.

The challenges concern mainly ethics in labor law and the need for a new regulation or, at least, the need for change of existing regulations. In case of individual labor law institutions, minimizing threats and maximizing the benefits and development opportunities resulting from the

development of substrates of information civilization turned out to be the main challenge, or meta challenge of non-normative character.

Finally, this doctoral thesis concerns the issue of the relationship between individual labor law and civilization information. This issues was analyzed bearing in mind socio-cultural context of work in reference to civilization information. This study draws on research conducted by the author which enabled proving the truth of the thesis that there are correlations between individual labor law and information civilization (thesis 1). The aforementioned correlations are strict, diverse and can be bi-directional.

The analysis of civilization components has indicated that the law is one of these elements. Moreover, the information civilization consists of the technical-technological and social substrates. At the same time, rhythmic evolution and mutual stimulation by specific civilization based components are necessary for the development of civilization.

The assumed hypotheses were positively verified.

The matter regulated by the institutions of individual labor law changes under the influence of specific phenomena and the impact of information civilization substrates. Reviewing and characterizing the substrate and post-modernity, their implications as regards the sphere of employment and numerous connotations with institutions of individual labor law were indicated. The second hypothesis according to which the conditions of performing work and social relations in which work is performed can be determined by the influence of civilization factors was proven to be true as well.

It turned out that information civilization determines the technical-technological, time-space, organizational and social conditions of performing work, and, additionally, affects them itself.

What is more, the second thesis was true. Some institutions of individual labor law in their present shape block the development of information civilization, hindering the transition from the information society to the knowledge society. This results from the inconsistency of the normative shape of the individual labor law institution - as one of the components of postmodernity - with its other elements, which causes the disturbance of the harmony as regards the method of collective life system.

Labor law can affect information civilization through its institutions. Institutions of individual labor law must achieve specific objectives regarding the use of technical and technological products in the area of employment and labor law as well as other purposes relevant to the information society.

Therefore, some acts of law instrumentation, which should react to the negative consequences of the information revolution in the sphere of employment, are necessary.

Establishing the optimal shape of selected institutions of individual labor law in information civilization requires new regulations or a different interpretation of existing standards by adapting them to the challenges created by information civilization and increasing the level of eliminating identified civilization threats.

These results provide confirmatory evidence that the parties to the employment relationship do not have to be “slaves of technical progress” in the information civilization which does not satisfy its assumed purposes. It is, however, worth optimizing the shape of the institution of individual labor law, so it would not hinder the development of civilization. The role of labor law in the conditions of transformation should involve enabling individuals to fulfill themselves in the work process covered by the sets of regulations providing the employee with protection “against new technologies” and supporting work “through new technologies”.

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