A Preliminary Study on the Legal Protection of Workers' Privacy Rights in the Intelligent Era

Meng Wang*
Faculty of Law, China Jiliang University, Hangzhou, 310000, Zhejiang, China
**Corresponding Author.*

Abstract: With the development of science and technology, the employment mode has gradually changed, the boundary between office hours and office space and workers' private time and space has become more blurred, and workers' privacy rights are facing new challenges. Starting from the concept of workers' privacy and combining with scholars' research on workers' privacy, this paper deeply analyzes the current problems such as vague privacy scope regulations, unclear boundaries of employees' right to self-management, and single remedies for workers' privacy in the judiciary, find out the causes and deficiencies, and propose that these problems should be solved by classifying privacy rights, clearly stipulating the concept of workers' privacy in the labor law, clarifying the general principles of handling and increasing diversified remedies. So as to ease the contradictions between labor and capital and stabilize social order.

Keywords: Intelligent Era; Laborers; Privacy; Legal Protection

1. Forms of Infringement of Workers' Privacy Rights in the Era of Intelligence

In the era of intelligence, there are more and more forms of infringement of employees' privacy by employers, and three types of infringement forms can be derived based on the classification standard of the time when the labor legal relationship was concluded. First of all, before the relationship is concluded, the employer will collect certain private information from the employee in order to understand whether the employee is suitable for the requirements of the job and to compare and screen the employee. Secondly, after the conclusion of the labor law relationship, in order to better manage the workers, the enterprises often supervise the words and deeds of the workers, such as installing cameras in the office space, and even monitoring the computers and other electronic devices used by the workers to work. Third, after the termination of the labor law relationship between the employee and the employer, the employer may sometimes squeeze the last value of the employee: selling the personal information of the employee collected in the past to illegal traders to obtain profits.

1.1 Excessive Restrictions on Access to Workers' Private Information

Article 8 of the Labor Contract Law of the People's Republic of China stipulates that the employer has the right to know the basic information of the employee directly related to the labor contract, and the employee shall truthfully explain it. This provision provides a legal basis for employers to obtain employees' privacy. Employers may require employees to provide information such as age, education, gender, etc., and in some cases, even require employees to provide information about their spouses. Among the information requested by the employer, there is no shortage of information that is not related to the employment, but the employee has to accept and provide this information to the employer in order to obtain a job. For example, in the second-instance labor dispute case between Guangzhou Maigu Network Technology Co., Ltd. and Lin Lili heard by the Guangzhou Intermediate People's Court, Guangzhou Maigu Network Technology Co., Ltd. required the employee to fill in information that was not directly related to the labor contract, such as height, weight, marital status, blood type and other private information. Lin Lili was dissatisfied and filed a lawsuit with the court. In this case, the employer not only obtained excessive information from the employee as a matter of course, but also terminated the

contract on the grounds that the employee did not truthfully provide it, which shows that it is common for the employer, as a strong party in the labor law relationship, to obtain private information beyond the limit, and the root cause is that the law does not protect the privacy of the employee enough.

For example, when the employee is on personal leave, sick leave, or reimbursement process, the employee often needs to provide the employer with detailed medical records, medical records, location information, etc., which often exceeds the necessary level of leave or reimbursement, but the employee has to provide it to the employer because of the disadvantaged position. In addition, in the era of intelligence, employers have more and more ways to obtain workers' privacy, in addition to directly collecting from workers, they may also purchase workers' privacy information from big data companies, and obtain workers' privacy information by themselves, etc., including the marriage and childbirth status of workers, especially female workers, diagnosis and treatment records of workers' special diseases, credit status, and other information that is irrelevant to employment and sensitive, and the employer obtains such information. Not only will it infringe on the privacy of workers, but it may also cause workers to face criticism at work.

1.2 Intentional or Negligent Disclosure of Workers' Personal Information

In the era of big data, it is extremely convenient to obtain and transmit information, and it is easier to steal or leak information, so after obtaining and storing employees' personal information, the risk of such information being infringed is greatly increased due to the lack of a complete network protection mechanism. According to the survey, "about two-fifths (41%) of organizations that have experienced a data attack suffered a cyberattack in 2020, but one year after the pandemic, nearly half (46%) still report that their security infrastructure is not ready to handle the risks posed by the pandemic, and only one in five (20%) believe they are prepared. [1]" Information disclosure in this case may not be what the employer is pursuing, but the employer should still bear the corresponding responsibilities for this.

Once the private information of workers is leaked, it will cause great damage to workers. For example, information such as poor marital status and health status is often extremely reluctant for workers to be known, and once leaked and disseminated, the "right to be forgotten" of natural persons will be violated, and they are likely to suffer mental pain due to the criticism around them; In addition, if information such as bank card numbers, social security account numbers, home addresses, and phone numbers are leaked and sold as commodities by criminals, workers are likely to be harassed and even increase the risk of being defrauded by telecommunications.

1.3 Excessive Supervision of the Private life of Workers

Nowadays, workplace monitoring has become commonplace, and the recent hotly discussed case of female employees being fired for working with umbrellas has brought workplace monitoring closer to the public eye again. A company in Shenzhen has installed a batch of surveillance cameras, and one of them is located directly above the workstation of employee Zhang. Zhang Moumou thought that this violated her privacy, so he used two umbrellas to cover it. However, the company believed that Zhang's behavior was to evade the company's management, so it terminated the labor contract with him. The court ruled that the installation of the camera by the employer was self-management and did not infringe on Zhang's privacy, but this does not mean that the installation of the camera by the employer will not infringe on the privacy of the employee. Regarding the restrictions on the installation of cameras by employers, Jin Xiaolian, a lawyer at Beijing Hualun Law Firm, said: first, the purpose of the installation of monitoring equipment by employers should be for the purpose of unit management requirements, and they should not spy on the personal privacy of employees; Secondly, the monitoring equipment must be installed in the office work area and public activity area, and cannot be installed in places involving personal affairs and personal privacy, such as locker rooms, toilets, bathrooms, dormitories,

etc.; The installed monitoring equipment must comply with the relevant design specifications, and match the management requirements and security precautions; In addition, the installed monitoring equipment must be clearly communicated to the employees and cannot be monitored in secret. If the three requirements are not met, it is considered excessive supervision. Therefore, if the employer is not careful about the installation of cameras, it may become excessive supervision of employees.

2. Challenges to the Protection of the Privacy of Workers in China in the Era of Intelligence

There is no doubt that workers' privacy needs to be protected, but there are many challenges in the process of protecting it. In terms of theory, the provisions on the connotation of privacy in the law are too vague. In practice, there are frequent conflicts between the employer's autonomy and the employee's right to privacy, and the existing legal system is also very vague in defining the boundaries of the autonomy of employment, which makes it difficult to reach a unified conclusion when the two parties have a conflict. Finally, in terms of judicial remedies, the remedies for infringing on the privacy rights of workers are too simple, and this way cannot well achieve the purpose of protecting workers' rights. These challenges make it more difficult to protect workers' right to privacy.

2.1 The Connotation of Workers' Right to Privacy is Vague

The theoretical definition of workers' privacy rights is relatively clear, and the academic community basically agrees with the above definition in this article. In terms of legislative provisions, for the protection of this right and interests, China adopts the model of "enumeration clause + catch-all clause". Article 1032 of the Civil Code stipulates that natural persons enjoy the right to privacy. The privacy rights of others must not be infringed upon by any organization or individual through methods such as espionage, intrusion, leakage, or disclosure. Privacy refers to the tranquility of a natural person's private life and the private space, private activities, and private information that they do not want others to know. This article clarifies the concept of privacy. At the same time, Article 1033 stipulates the types of infringement and the forms of exclusion of privacy rights by way of enumeration: Except as otherwise provided by law or with the explicit consent of the right holder, no organization or individual shall carry out the following acts: (1) invading the tranquility of others' private lives by means of telephone calls, text messages, instant messengers, e-mails, leaflets, etc.; (2) Entering, photographing, or peeping into other people's residences, hotel rooms, or other private spaces; (3) Photographing, peeping, eavesdropping, or disclosing the private activities of others; (4) Photographing or peeping into the intimate parts of others' bodies; (5) Handling the private information of others; (6) Infringing on the privacy rights of others in other ways. From the above two laws, it can be seen that the scope of employees' privacy rights is mainly divided into four types: private life, private space, private information and private activities. For private spaces, Article 1033 of the Civil Code enumerates residences, hotel rooms, while for the tranquility of private life, private information and private activities, the law only provides in general terms. As a result, it is not possible to specifically determine whether the information falls within the scope of privacy based on the above two laws alone.

The lack of clarity in legislation on the connotation of employees' privacy rights has led to inconsistencies in judicial practice, and there are different understandings of whether the relevant information of employees belongs to the scope of their privacy.

For example, there are disagreements in judicial precedents as to whether an employee's medical records are privacy that should be protected. In the case of Nestlé (China) Co., Ltd. v. Wang Xiaoguang, an employee of the defendant, took sick leave at home after submitting the diagnosis certificate issued by the hospital for a full week of leave to the company due to acute gastroenteritis. However, the defendant believed that the certificate could not be used to prove leave, so he went to the hospital to obtain the plaintiff's medical records. The plaintiff filed a lawsuit arguing that the defendant had violated his right to privacy. However, the court held that the medical record information was information that could be obtained by the

employing unit and did not fall within the scope of the privacy protected by the employee, and that the defendant did not have any specific harm infringing on the plaintiff's privacy, nor was subjectively at fault for publicizing the plaintiff's privacy, and did not meet the constitutive elements of the infringement of privacy. However, in the labor dispute case between Daktronics Information Technology (Beijing) Co., Ltd. and Xie Tao, the plaintiff Xie Tao filed a lawsuit against the defendant's dismissal. The court held that the details of the plaintiff's illness were personal privacy, and the diagnosis certificate submitted by Xie Tao was sufficient to prove that he took sick leave due to illness, and that the defendant obtained more than necessary to take sick leave.

In the above two cases, the court gave different judgments on the same medical records, one court held that the medical records were not private information and the employer's acquisition was not infringing, while the other held that the medical records and other medical information were private and the employer could not compel the employee to provide them. The root cause of this is that the legal provisions on privacy are too vague and limited, so that when the court makes a judgment, it is not possible to know whether it is confidential information by relying only on the general provisions of Article 1032 of the Civil Code, and can only rely on the judge's free will to judge whether the acquisition of the information is necessary for the management of the employer to determine whether the act is infringing, which leads to excessive discretion of the judge, which is not conducive to protecting the legitimate rights and interests of the employee.

2.2 The Boundaries of the Employer's Independent Access to the Employee's Private Information are Unclear

The right of self-management is the legal basis for the employer to obtain the privacy of the employee, and it is also an important reason for the infringement of the privacy of the employee. The conclusion of a labor law relationship between an employer and an employee, and the worker is subordinate to the employer, including the subordinate attribute of personality, which means that "in the process of performing labor, the worker is in a position of submission to the employer's domination, and at the same time, the time, place, and content of the work are unilaterally determined by the employer", which extends the employer's authority to manage the employee. These include self-directed access to information and monitoring of workers' working conditions. This may conflict with the right to privacy of workers.

Article 8 of the Employment Promotion Law of the People's Republic of China stipulates that employers have the right to self-management in accordance with the law. Employers shall protect the legitimate rights and interests of employees in accordance with the provisions of this Law and other laws and regulations. According to the Labor Contract Law, the employer has the right to know the basic information of the employee directly related to the labor contract, and the employee shall truthfully explain it. However, the jury is out on what is "relevant" and what is "direct". In addition, Article 13 of the PIPL stipulates that employers may obtain or process the information of employees without their consent under certain conditions However, the Personal Information Protection Law later stipulates that if it is sensitive information, the informed consent of the employee is required. So if the information is both directly related to the contract and sensitive information, does it not require the employee's consent to protect the employer's right to know, or does the protection of the right to privacy require the employee's consent? The lack of clarity in the provisions of the law and the conflict between different laws and regulations have led to the fact that the employer has obtained a "gold medal for avoiding death", and any request for privacy can be said to be exercising the right of self-management, and because the workers are often in a weak position in the labor relationship, the protection of the rights and interests of the workers is greatly challenged.

In the case of "Labor Arbitration of Labor Contract Dispute between Zhongzi Huayu Company and Employee Ma" [2], in order to prove that it was a legal act to not renew the labor contract with Ma, Zhongzi Huayu Company submitted evidence including the reward and punishment system, screenshots of the system publicity webpage, screenshots of Ma's circle of friends, screenshots of WeChat chat records, etc. The screenshot of the

WeChat chat record was obtained after the deleted files on Ma's work computer were recovered, and later it was changed to be taken by Zhao, an employee of the company, with Ma's consent. With regard to the screenshot of Ma's WeChat chat record submitted by Zhongzi Huayu Company, the trial court held that regardless of the content of the WeChat chat record, it was personal information exclusive to Ma, and it should be recovered and collected after Ma voluntarily and explicitly consented to the processing of personal information under the premise of being fully and informed. Zhongzi Huayu Company's unauthorized restoration of the employee's deleted data and collection as the basis for internal punishment and the evidence in this case constituted an improper use of Ma's personal information. However, in the above-mentioned privacy dispute between Xiu Moumou and Haiyang Rongchang Plastic Weaving and Packaging Co., Ltd., the court ruled that obtaining WeChat chat records was a legitimate act in the exercise of management rights.

It can be seen from the above two cases that since the law and even the doctrine do not clearly stipulate the boundaries of the employer's right to self-management, and there is no clear rule on how to choose in the event of a conflict with the right to privacy, on the one hand, the employer has no clear basis for making judgments, and naturally makes some behaviors that excessively obtain the employee's private information or monitor the employee, and on the other hand, even if the employer is obtaining the employee's privacy beyond the limit, when the employee sues the court to protect his legitimate rights and interests, The employer's defense of using the right of self-management may also be upheld by the court. Different court judgments on similar matters will not only damage the legitimate rights and interests of employees, but also damage the authority of the court.

2.3 There is Only One Remedy for Infringement of Workers' Privacy Rights

In China, most of the cases related to the infringement of the privacy of workers are applicable to the civil litigation used in traditional natural person privacy infringement disputes. Typing the keyword "workers' privacy" into the OpenLaw website, 727 cases were retrieved, and all of them were civil judgments. Even if an employee files a request for privacy relief in labor arbitration or litigation, the arbitration institution or court will often not consider this as the focus of the dispute in the labor law relationship, and let the employee file a separate civil lawsuit.

The right to privacy falls under civil law, but the unequal status between workers and employers makes it difficult to protect their rights. The unequal status of the two parties leads to difficulties in protecting rights in many ways, first of all, the economic aspect, if the worker sues the employer for infringement, it will often be accompanied by the loss of work, and the unemployed worker is often faced with lawyer fees, and the litigation cost is often more difficult to bear. The second is evidence collection. As a vulnerable group of workers, it is often difficult to preserve and obtain evidence of infringement, and as the party making a claim, they have to bear the consequences of adducing unfavorable evidence when they are unable to provide evidence in civil litigation. Third, if a lawsuit is filed between an employee and an employer, even if the lawsuit is won, the employee's competitiveness in finding a job in the future may be reduced, and other companies may refuse to hire the employee for fear of having a dispute with him. Finally, the right to privacy belongs to the right of personality, and the violation of the right to personality brings moral damage, and after winning the privacy infringement dispute, only economic compensation can be made, and economic compensation can only give the worker some comfort materially, but cannot compensate the worker for mental suffering. In addition, the amount of compensation is difficult to define, and the amount awarded in judicial practice is often low, which makes the cost of infringement relatively low for employers.

To sum up, there is a single remedy for privacy infringement, and there are many difficulties in using the only civil litigation channel to remedy employees' privacy rights, which leads to the fact that workers dare not defend their rights and are unwilling to defend their rights.

3. Suggestions for Improving the Legal Protection of the Privacy Rights of Workers in China

According to the above-mentioned problems,

in terms of the protection of workers' privacy rights, there are still problems in China, such as vague privacy provisions, unclear boundaries of employment autonomy, and single way to protect rights. [3,4] The ambiguity of privacy rights can be solved at the legislative level, such as classifying private information, including workers' privacy rights in the provisions of the Worker Protection Law, etc., so as to provide a more uniform standard for court judgments. However, it is often difficult to exhaust all situations through law in terms of the unclear boundaries of employment autonomy and the choice of disputes between employment autonomy and privacy, so we can stipulate general principles for dealing with both, so that the purpose of protecting the rights and interests of workers and ensuring employment efficiency can also be achieved when new situations arise. In the face of a single way to protect their rights, we can provide more diversified options for workers by including labor arbitration.

3.1 Classify Workers' Private Information

Although there are legal provisions on privacy protection in the Civil Code and the Cybersecurity Law, as far as the Cybersecurity Law is concerned, its provisions are relatively macro, and the special legal provisions on the privacy rights of workers are not visible, and there is a "disconnect between legal requirements and the internal governance mechanism of the information controller, and criminal sanctions and other legal means" [5] and the disconnect between the norms of responsibility and the norms of conduct". The lack of exhaustiveness and clarity in the legal provisions has led to disputes in judicial practice as to whether the employer has violated the right to privacy, and even contrary judgments have been made on similar practices. Therefore, it is necessary to improve the legislation and include the protection of workers' privacy rights in the scope of the Workers' Protection Law. This not only allows the employer's liability to be better clarified, but also enables tort disputes to be resolved through labor arbitration, which is different from tort litigation, which favors the protection of employees. [6]

To solve the problem of ambiguity in the scope of privacy, we can make a rough classification of private information when legislating, and use the inductive deductive method to determine whether the information belongs to the scope of protection. The first category is basic information, including key information such as name, ID number, phone number, etc., and the second category is relevant information, such as religious beliefs, marital status, etc. The third category is private information, which will cause a lot of intrusion to citizens if leaked, such as home address, WeChat number, email address, etc. Categorizing personal information can better distinguish what kind of information needs to be protected.

First of all, as far as the first type of information is concerned, it is often indispensable for the employment of the employer, and at the same time, the harm caused by being known to others is relatively small, so this kind of information can be allowed to be obtained by the employer when designing the law, and the channels for obtaining it cannot be limited to the employee himself. However, even if the harm of leakage of personal information such as name is small, it should still be protected by the right to privacy, so employers should be restricted.

Secondly, as far as the second type of information is concerned, it is sometimes related to work, so the employer's access authority should be affirmed, but compared with the first category, the degree of privacy is higher, so the source of information should be limited and only from the employee himself, so as to respect the employee's management of his privacy.

Finally, as for the third type of information, the degree of relevance to the employer's management of the employee is even lower, so the access to such information should be restricted in principle, unless two conditions are met, the first is necessity, that is, it is essential for the management of the employee, and the second is the consent of the employee himself. Only when both are satisfied, the information can be collected from the worker himself.

To sum up, the classification of today's information at three levels can make it more accurate and quick to draw conclusions when judging whether the private information in the case is the object that needs to be protected, so as to avoid inconsistencies in judgments due to vague provisions. [7] In addition, these

provisions need to be written into the Worker Protection Law to provide special and stricter protection of employees' privacy rights and prevent employers from taking advantage of their dominant position to arbitrarily infringe on their rights.

3.2 Clarify the General Principles for Employers to Obtain Workers' Private Information

Since the employee is on the weaker side in the labor law relationship, it is difficult to make a negative vote on the infringement of the employer's transgression. However, the employer's autonomy in employment has become a "gold medal for avoiding death", [8] and even if the worker has the courage to go to court, it is difficult to fully protect it. The law cannot cover all situations, so it is necessary to lay down general principles.

The first is the principle of lawful restriction. The principle of lawful restriction is aimed at the employer, which means that if the employer wants to control the privacy of employees, such as installing monitoring in the workplace, obtaining the private information of employees before employment, etc., it must do so within the scope permitted by law. In addition, in addition to legal permission, it is necessary to obtain permission from the worker. On the one hand, such a dual licensing system can protect the employee's right to know, and on the other hand, it can ensure that even if a new situation arises in the event of an infringement in the future, it can be resolved according to the agreement of both parties. However, the employee's consent should not be rigidly understood as express consent, otherwise the additional pressure on the employer will be too great, which is not conducive to the normal operation of the enterprise. For example, if an employee provides personal information to the employer and does not raise objections to the monitoring equipment in the workplace, it should be presumed to be consent, as long as the employer's behavior does not violate the provisions of the law, it will be deemed that there is no infringement.

The second is the principle of proportionality. "The fundamental purpose of applying the principle of proportionality is to maximize the comprehensive benefits under the condition that the interests of both parties are minimized." The principle of proportionality is an important principle of administrative law, and the subject of administrative law is the administrative subject and the administrative counterpart, which has similarities with the labor law relationship in terms of inequality, so it has reference points. The principle of proportionality in administrative law refers to the premise that the exercise of administrative power must be carried out in a way that does the least harm to the people, in addition to the premise that there is a legal basis for the exercise of administrative power. Therefore, when the employer controls the privacy of the employee to a certain extent, it must do so in a way that infringes the minimum on the privacy of the employee. These include the principle of appropriateness, the principle of necessity and the principle of narrow proportionality. The principle of appropriateness means that in order for an employer to control the privacy rights of employees, it must be able to facilitate their management. The principle of necessity refers to the degree and manner of control over the right to privacy, which must be necessary for the management of the employer. To sum up, according to the principle of proportionality, in order to determine whether an employer has violated the privacy of employees, it is necessary to determine whether the purpose of controlling the privacy right is employment management, and whether the limit of control exceeds employment management.

To sum up, clarifying the principle of lawful restriction and proportionality of the employer's access to the employee's private information can help clarify the boundary of the employer's access to information to a certain extent, appropriately restrict the employer's right to self-management, and avoid excessive restrictions on the employee's privacy right.

3.3 Optimize the Mechanism for Resolving Disputes over Workers' Right to Privacy

At present, if workers want to protect their right to privacy, they can only do so through civil litigation. However, in civil litigation, the requirements for judging infringement are stricter, and evidence must be presented to prove the damage, the result of the damage, the causal relationship and subjective fault, which is more difficult for workers in a

disadvantaged position. Therefore, it is necessary to seek the help of a third party and increase the channels to help them protect their rights.

First of all, trade unions can strengthen the protection of workers' privacy rights and the supervision of employers. The trade union is an alliance composed of workers, which has the function of supervision for the enterprise, and has certain advantages over the workers in terms of capital and litigation ability, and the infringement of privacy by the employing unit often does not only infringe on the privacy of a certain worker, but a group of workers, and the trade union, as an alliance organization, can play an organizational role among workers, so as to improve the efficiency of protecting privacy.

In today's era of big data, trade unions, as the strong backing of workers, should take the initiative to take privacy protection measures, such as reviewing the terms of the labor contract between the employee and the employer in advance, and actively notifying the employer to correct any content that violates the right to privacy; Review the control measures taken by the employing unit, and take the initiative to inform the employing unit to stop the measures that exceed the management limit; Regularly supervise the employer's retention of employees' private information, and supervise the employer to establish a complete network protection mechanism to prevent information leakage; Provide necessary assistance to employees in defending their privacy rights, such as helping workers collect evidence, providing necessary legal advice, organizing co-plaintiffs to defend their rights, etc.

Second, a large part of the dispute between the employee and the employer is that the employer and the employee have not reached a contract in advance, and the two parties are encouraged to reach a consensus on matters related to privacy when entering into the employment contract, so as to avoid the infringement of the employer or reduce the employee's unwarranted refusal to transfer the right to privacy, and on the other hand, even if a dispute arises between the two parties, the judgment can be made in accordance with the contract between the two parties when the legal provisions are not yet clear. This is tantamount to cutting off the possibility of disputes at the source.

Due to the unequal relationship of labor law relations, it is difficult for employees to make agreed demands on the employer. [9,10] However, there is still a need to encourage workers to contract. On the one hand, it can encourage workers to establish a certain degree of legal awareness and avoid the situation that they do not know even if they are infringed due to weak legal awareness. On the other hand, it can restrain the employer to a certain extent to prevent it from arbitrarily infringing on the privacy of the employee as the object of domination.

Finally, and most importantly, it is necessary to include disputes over workers' privacy rights in the scope of labor arbitration. As mentioned above, the use of civil litigation is not conducive to the protection of labor rights and interests. Therefore, the law should clearly stipulate that privacy disputes should be included in the scope of labor arbitration. However, another point to consider is that it is not appropriate to treat it as a separate matter of arbitration, otherwise it will greatly increase the pressure of labor arbitration and is not conducive to the allocation of judicial resources. If the employee terminates the employment contract with the employer on the grounds of arbitration, if the arbitral tribunal makes a judgment that it is indeed a fact of infringement, it should agree to and support the employee's claim for relevant economic compensation or compensation. In addition, as a tort dispute, a privacy dispute should also be allowed to be subject to civil litigation, so the choice between labor arbitration and civil litigation should be left to the employee and the employee decides.

To sum up, increasing the participation of trade unions in the mediation of disputes between workers and employers, encouraging prior contracts between workers and employers, and including workers' privacy disputes in the scope of labor arbitration can effectively solve the drawbacks caused by a single civil lawsuit to resolve workers' privacy disputes, make the road to workers' rights more convenient, and better protect workers' privacy rights.

4. Conclusion

With the rapid development of science and technology, the legal protection of workers'

privacy rights has gradually become a widely concerned issue in the academic circles, and the harmony of labor-management relations, as an important part of social relations, is of great significance to the society. As a vulnerable group in labor-management relations, the protection of workers' rights and interests, especially the protection of privacy rights, which is easily violated, is of great significance for alleviating labor-management conflicts and stabilizing social relations. Solving the problem of legal protection of workers' privacy rights is the only way to maintain a new type of labor legal relationship, reduce disputes between labor and management, and improve labor efficiency.

References

[1] Governing Body of the International Labour Office. Home Work Recommendation. International Labour Organization, Geneva, 1996.
[2] Hanhua Zhou. Exploring the Way of Personal Data Governance with Incentive Compatibility. Legal Research, 2018, 2: 3-23.
[3] Carlos Arroyo-Abad. Teleworking. A New Reality Conditioned by the Right to Privacy. Laws, 2021, 10: 129-139.
[4] Thomas Louise, Gondal Iqbal, Oseni Taiwo, et al. A Framework for Data Privacy and Security Accountability in Data Breach Communications. Computers & Security, 2022, 4: 45-46.
[5] Meng Jie, MinAn Zhang. Research on the Special Infringement Criteria for Privacy in China's Civil Code. Chongqing Sociology, 2021, 5: 129-139.
[6] Kailiang Zou, Wen Ding. The Construction of Workers' Privacy Protection Path in the Era of Big Data s. Price Theory and Practice, 2022, 10: 81-81.
[7] Lei Huang. Germany: Workers' Privacy Protection. Procuratorate Fengyun, 2022, 11: 34-34.
[8] Yibo Guo. Workers' Privacy Rights: The Conflict and Balance of Labor and Management Interests. Shandong Trade Union Forum, 2022, 28(2): 11-12.
[9] Guangping Wei. Challenges and Responses to Workers' Personal Information Protection in the Context of Human-Computer Interaction. China Law Science, 2021, 3: 67-67
[10] Xiuzhe Wang. Research on the Public Law Protection of Personal Privacy in the Information Society. China Democracy, 2016.

