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ACCESS TO INFORMATION AND EVIDENCE IN LABOUR DISPUTES

Summary: *The paper examines access to information and evidence in labour disputes, starting from the premise that formal procedural equality between the parties does not necessarily correspond to their actual ability to obtain relevant evidentiary material. Particular attention is paid to information asymmetry between employees and employers, arising from the subordinated position of employees and from the fact that key records, data and documents relevant to the dispute are most often under the employer's control. Drawing on domestic procedural law, European standards and comparative legal solutions, the paper analyses the relationship between the right to effective judicial protection, the burden of proof and access to evidence outside the employee's sphere of control. It further examines procedural mechanisms for obtaining evidence in civil proceedings, including document production, preservation of evidence and judicial case management. The paper also addresses specific evidentiary issues in disputes concerning working time, wages, discrimination, workplace harassment/mobbing and electronic evidence in the context of the digitalisation of work.*

Keywords: *access to evidence, information asymmetry, labour disputes, burden of proof, discrimination.*