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Principle of equality in access to employment

Summary

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Employment is undoubtedly one of the most important spheres of human life. It is closely related to the ability of individuals to ensure their own livelihood and fulfil their vital needs. Nowadays the right to work is not generally questioned, and therefore it is believed that everyone should have access to employment. The guarantee of the realisation of this postulate forms the basis of the policies of many states, as well as international organisations. It is therefore no coincidence that the issue of access to employment is widely debated and is the subject of interest for researchers representing various scientific disciplines. It might seem that a subject as important as this, with a history stretching back many years, has already been sufficiently explored and that it is difficult to conduct new research in this area. However, the ever-changing society and views on human labour justify an in-depth study of this important issue.

The dissertation addresses the issue of access to employment in the context of the principle of equality and the measures intended to achieve this principle - which may be of a legal nature, but also stem from adopted social policies or even people management concepts. Therefore the concepts of equality, non-discrimination, the values and principles associated with them, as well as the mechanisms for implementing the principle of equality are analysed.

The dissertation is divided into two parts. The first focuses on an analysis of basic concepts such as employment, equality and discrimination, as well as an assessment of their relationship with other ideas of social philosophy (freedom and justice) and with the principle of the right to work. In particular, a reflection was conducted on the concepts of equality and discrimination. Furthermore, there is an attempt to identify and describe the groups that require specific attention with regard to access to employment. Analysis is supported by statistical data on employment rates.

The second part of the dissertation deals with measures intended to fulfil the principle of equality. Measures from various systems (Polish with influence from the EU and the USA) were analysed, including those of a protective nature as well as those aimed at equalisation of opportunities. In this regard, the respective legal institutions in the compared systems were examined, and the analysis was supported by conclusions drawn from the court rulings. In the course of the study, the coherence and effectiveness of the regulations were also assessed. Furthermore, the second part of the dissertation explores the activities of state bodies that aim to counteract the discrimination and promote equality in access to employment with examples of initiatives by these bodies. Consideration was also focused on the concept of diversity

management, as well as good management practices, as measures to support particular groups in less formal approach.

The scope of the conducted research affected the methodology. In addition to the dogmatic method and research of case law and views of the legal doctrine expressed in the literature, other sources were also used. Non-legal literature containing the views of researchers from other disciplines was used for a broader analysis. The websites of state bodies and the available activity reports there were also an important source of information on implemented solutions in the field of equality in employment. In order to present the effects of equality-based policies, statistical data were used to show changes in access to employment for the various groups present on the labour market.

The considerations conducted in both parts of the dissertation allowed to formulate conclusions and suggestions concerning the implementation of the principle of equality in access to employment in the Polish system. In particular, attention was drawn to necessary changes in the existing legal regulations in order to ensure more effective protection against discrimination and to serve disadvantaged groups in the labour market. These conclusions are summarised and described in the end of the dissertation.