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Summary

The dissertation is entitled "**Prohibition of discrimination on grounds of religion in employment under employment contracts and other employment agreements**". The dissertation is devoted to a specific discriminatory criterion, namely religion. The indicated discriminatory criterion, required the clarification of many issues related to religion to understand the essence of the problem. The paper therefore clarifies issues such as religion, ideology, and religious freedom being the first universal and inherent right of every human being. It is assumed that the recognition of religious freedom was not a consequence of the previous definition of religion but was an expression of the granting of freedom in a certain fundamental sphere of life. Nowadays, the interrelation between employment and religious freedom is becoming increasingly important, with the Polish legislator settling for general guarantees of conscience and religion, e.g., in the Constitution of the Republic of Poland and in the Constitutional Regulations on the Freedom of Conscience and Religion. At the same time, there is no real reference of these guarantees to employment. Based on labour law, regulations concerning the prohibition of discrimination, including on the grounds of religion, are regulated in the Art. 11(3) and 18(3a) of the Labour Code, but it should be assumed that they do not fully fulfil the functions of guarantees of the right to religious freedom.

Therefore, the considerations made focus on the legal regulations concerning the prohibition of discrimination based on religion in the broadly defined employment under employment contracts and other employment agreements. A major strand of this dissertation is the analysis of the anti-discrimination provisions providing protection against discrimination on grounds of religion. In the dissertation, the author emphasizes that there has been an increase and supplementation of protection instruments over time, but in the author's opinion, the question is whether this protection is sufficient, whether it is an instrument that allows employees to feel safe in the workplace and, as a result, whether the legal protection guaranteed by the law guarantees their religious freedom. The aim is also to determine the legal basis and the scope of the legal protection guaranteed to discriminated persons, including employees within the meaning of the Labour Code and persons employed on other employment bases. The thesis of the author's thesis is that the main purpose of the prohibition of discrimination on grounds of religion is to guarantee employee's religious freedom. This manifests itself in the free access to employment, the realisation of employment relationships, the non-discriminatory termination of these relationships by persons of specific religions and the prevention of

discriminatory behaviour. This is because persons of a particular religion often stand out from other employees. This is because of their religious attributes such as a medallion, burqa, or hijab. These attributes can be irritating and cause discriminatory behaviour on the part of colleagues or their employer.

The author emphasizes that the prohibition of discrimination based on religion is intended to guarantee the legal protection of employed persons provided by the law, by eliminating the assessment of these persons on the basis of their religion, which remains irrelevant to their ability to perform their job. Employers must always be guided by merit criteria at every stage of employment. Failure to respect the principle of non-discrimination based on religion creates the risk that an employer will refuse to hire or unjustifiably dismiss the best candidate or employee. Discriminatory behaviour during employment, including terms and conditions of employment, may result in employees having recourse to legal remedies. The analysis of the above duties gives rise to another thesis that labour law legislation does not sufficiently consider the need to protect religious freedom when there is a conflict of interest between an employee and an employer. Substantiation of the thesis is reflected in the individual chapters of the dissertation, subordinated to them are the research objectives, detailed within the individual chapters of the dissertation. In addition, the aim of the dissertation was to collect and organise normative material on discrimination based on the criterion of religion. An important aspect of the above is also to show the interplay between anti-discrimination norms and other branches of law, such as civil or criminal law. All the above also necessitated a discussion of issues related to the phenomenon of religion, thus providing an overall picture of the phenomenon of discrimination on grounds of religion.