

Social security of the unemployed over 50

This dissertation entitled "Social Security of the Unemployed Over 50" aims to present measures and legal instruments for the social security of the elderly unemployed. This category has been distinguished by the legislator as people in a special situation on the labor market. The (older) age of the unemployed person is therefore a criterion for differentiating his/her legal situation in terms of access to labor market services and instruments.

Chapter I contains a general description of social security, which is a derivative of second generation human rights. It boils down to ensuring basic living conditions, alleviating social issues, helping, intervening, distributing benefits and maintaining social peace. While social security is not a normative concept, such a character can be attributed to its standards, expressed in a quantitative and qualitative way in various sources of law. This chapter also includes comments on the basic threats to social security.

Chapter II deals with the idea of social security in supranational acts and Polish law. The analyzes concerning the foundations of the right to social security contained in the Basic Law were preceded by comments on the development of the idea of social security in UN, ILO and EU law.

Chapter III contains considerations on the legal significance of age on the basis of legal regulations in the field of unemployment. It also includes comments on age as a criterion for differentiating the status of the unemployed in terms of the right to unemployment benefits. This differentiation does not constitute a violation of the principle of equal treatment in accessing and using labor market services and labor market instruments, it is allowed both under national and supranational law, and age is traditionally included among the criteria justifying preferential treatment of unemployed people.

Chapter IV is devoted to the issue of professional activation of the unemployed in old age as an instrument to ensure social security. The instruments of professional activation of the unemployed in old age were analyzed. The unemployed belonging to this group not only have the right to use the services and instruments of the labor market on general terms, but also in some cases they are treated by law in a privileged way in terms of using forms of professional activation. This undoubtedly serves to ensure their social security thanks to the possibility of obtaining, on a priority basis, sources of livelihood, eg from employment subsidized by the Labor Fund.

Chapter V focuses on the unemployment benefit as a benefit to ensure social security for the unemployed over 50 years of age. The unemployment benefit is the basic instrument aimed at mitigating the effects of unemployment. The regulations contained in the previously binding acts in the field of unemployment and in the current legal status were analysed. The subject of consideration was also the question of whether the unemployed over 50 years of age are treated in a privileged manner in terms of acquiring the right to the benefit, its amount and the length of the period of receiving it.

Chapter VI contains comments on the pre-retirement benefit, understood in the category of social protection for the elderly unemployed who remain unemployed. Although people receiving pre-retirement benefits are not unemployed in the strict sense, i.e. in the legal sense, due to the reasons for acquiring the benefit in question, it is justified to address this issue in the dissertation. However, the generally positive assessment of the pre-retirement benefit is accompanied by critical remarks related to the fact that the possibility of obtaining this benefit leads to premature professional deactivation of the elderly.

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