

**Michał Skóra**

**Legal aspects of the employment of persons with disabilities.**

**Summary**

The subject of the doctoral dissertation is the problems concerning the legal aspects of the employment of disabled persons on the open labour market and in sheltered employment conditions. It also analyses regulations concerning the access of these persons to employment and the prohibition of discrimination based on the criterion of disability. The thesis also presents elements of their special employment resulting from disabilities under the provisions of the Act on Vocational and Social Rehabilitation and the Employment of Persons with Disabilities.

The dissertation consists of six chapters, that are preceded by an introduction and crowned by a conclusion.

Chapter One provides an explanation of the terms 'disability' and 'disabled person'. The definitions of these terms are also analysed taking into account legal regulations at international and European level. The impact of these legal acts on national legislation is also indicated. The research also included an inquiries of the relationship between the concepts of 'incapacity' and 'disability'. The chapter includes comments on terminological issues, namely the phrases: 'person with a disability' and "person with a disability".

Chapter Two deals with the right of persons with disabilities to employment. It presents in detail the ILO and UN regulations in this area. The analyses in Chapter Two also concern regulations, directives and other documents of the European Union. An important part of comments in this chapter of the dissertation concerns the Polish legislation, in particular the Constitution of the Republic of Poland and the Act on profesioossional and social rehabilitation and employment of persons with disabilities.

Chapter Three contains considerations on legal instruments stimulating the employment of persons with disabilities in the sheltered and open labour market. First of all, regulations relating to employment of disabled persons in sheltered employment conditions are discussed. The subject of considerations in this chapter has also become legal instruments for realising the

right to employ persons with disabilities on the open labour market. Remote working also plays an essential role in this respect.

In the recruitment process, the issue of a job applicant's disclosure of a disability certificate is important, as well as the principle of equal treatment of persons with disabilities. In order to achieve real, material equality, the law allows for the use of so-called positive actions the purpose of which is to equalize the opportunities of persons with disabilities in the labour market. A special type of these actions is the priority granted to these persons in employment in public administration.

Chapter Five considers discrimination against employees on the grounds of disability. Discriminatory practices against persons with disabilities are prohibited by, inter alia, acts of international and European law. As an instrument for the implementation of the principle of equal treatment of persons with disabilities in employment, they recognise the employer's obligation to make reasonable accommodation. Chapter Five also contains comments relating to employment levels where discriminatory behaviour may occur. The issue of so-called discrimination by association is also examined.

Chapter Six is devoted to the special employment status of disabled persons. This status is determined by the provisions of the Act on Vocational and Social Rehabilitation and Employment of Persons with Disabilities. and Social Rehabilitation and Employment of Persons with Disabilities Act, while the provisions of the Labour Code apply to rights not regulated by this Act. The distinctiveness of the status of these persons analysed concerns working time, annual leave and special exemptions from work.

The conclusion contains an assessment of the current state of the law in the area under analysis and the conclusions arising from the content presented in the individual chapters of this dissertation.

Cublin, 24.09.2024  
Gilliam Skore