

Abstract

The topic of this thesis are selected legal aspects of the hiring of employees. During the lifetime, possibly every one of us experiences the selection process and therefore it is worth knowing all the rights and duties of both parties to the process, either rights and duties of an employer or a job applicant.

Particular aspects chosen are the equal treatment and the prohibition of discrimination and the protection of personal data and especially related to the proceedings before the commencement of the employment relationship. Both aspects are closely related to each other and therefore they are described in one work, so it is easier to understand the whole content and meaning of them.

The thesis is divided into five chapters, including the introduction and the conclusion. The second chapter of this work is dedicated firstly to the selection of employees in general. At the beginning it brings a description of the development of the human resource management, then it describes the process of the selection, what comes before it, what are the possible methods of selection and what principles ought to be adhered.

The third chapter is about equal treatment and the prohibition of discrimination during the selection process. Firstly, the fundamental terms are described such as equality and especially the equal treatment and the prohibition of discrimination. The description of legal framework of this area follows. In particular, the chapter then focuses on discriminatory job offers for the two most common discriminatory grounds, as results from the research of the Ombudsman's office. These are sex and age. Next, there are stated the means of protection against discrimination and, last but not least, also two judgements of the European Court of Justice, that examined the selection process and above all the discrimination of job applicants on the grounds of age.

The fourth chapter concentrates on the personal data protection during the selection process. Here again, the relevant legal framework is stated. The work focuses then on the possibility of the employer to require particular data during the selection

process and processing of such data. More closely, the work describes the personal file, the personal questionnaire and dealing with a personal identification number.

The aim of this thesis is to bring an introduction to the issue of the selection of employees and consequently to describe the legal framework of equal treatment and the prohibition of discrimination and the protection of personal data in relation to the selection process, thus before the commencement of the employment relationship.