

## **Abstract**

### **Selected Legal Aspects of Personality Assessment in the Recruitment Process**

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This thesis deals with some essential legal aspects of personality assessment (also called “personality testing”) in the recruitment process, focusing on the cases when personality testing (or any other form of psychodiagnostics) is not specifically regulated by a respective profession-specific law. This is of particular importance as the personality tests are capable to reveal private and often sensitive data about the job applicant, while their use is only regulated by the most general provisions of the applicable law. While personality assessment has been part of the recruitment process in many companies, there is no standard practice setting out when and to what extent its use is necessary or useful. As a result, the employers are left to rely only on their own judgment, which does not always appear to be sound. Some experts in psychology warn against inappropriate use of psychodiagnostics methods (not only) in recruitment and human resources advisory, pointing out that there’s not enough regulation to protect psychodiagnostics against misuse. In order to seek potential answers to this issue, I addressed a broader legal context of personality testing and analysed the existing relevant law to assess to what extent such warnings are to the point and to identify the potential solutions which might have been hidden in the most general legal provisions. In six chapters of the thesis, I first outlined the legal context of human personality, offered a brief overview of the personality inventories usually used in the recruitment process based on the research which has been already done, as well provided a brief description of the personality inventories which I considered particularly important for the purpose of the thesis to provide a background for the legal analysis. In the next step, I analysed both hard law regarding the personality testing applicable in the Czech Republic, sometimes with regards to other countries offering interesting points of view on the topic, and soft law in the form of internationally recognised ethical principles of psychodiagnostics testing. A surprising finding was that rather than being lacking, the existing law regarding the psychodiagnostics in recruitment and HR management is widely misunderstood, which prevents it from being enforced effectively. In particular, many of the general provisions of employment, data protection or civil and commercial law are applicable in such cases, although most of the public and non-legal experts do not realize it. As a result, in seeking the potential answer to the wrongful use of personality tests (or, in more general terms,

any kind of psychodiagnostics), attention must be paid not only to the improvement and development of the existing law, which definitely plays an important role but also to the education of the non-legal public in the existing legal regulation so that the stakeholders can act accordingly.