

DESCRIPTION FOR THE GENERAL PUBLIC

THE CONCEPT OF WORKER. THE NEED FOR REDEFINITION OF THE BOUNDARIES OF THE EMPLOYMENT RELATIONSHIP

Work represents a particular economical, social and psychological relevance to the worker. A personal dimension of work, that cannot be separated from worker, gives particular importance to the regulation of personal and gainful work relations. The employment relationship developed to be a primary legal framework for a work relations. The employment relationship is the normative tool through which workers gain the widest access to the rights and benefits associated with employment in the areas of labour law and social security. The idea of delimitation between employment relationship and other work relations, that are govern by civil law, was based on an assumption of 'inequality of bargaining power' between employee and employer, resulting from economic, legal and political influence advantage for the employer. The concept of employment relationship traditionally build around the element of 'subordination' of employee in relation to employer has been challenged by a number of changes that affect a contemporary world of work. These phenomena that include a globalisation, demographic shifts, environmental and climate change, rapid development of information and communication technologies made the access to decent work more challenging for a growing number of workers, that do not fit into a mould of subordinate employment relationship.

The coverage crisis of labour law motives scholars to raise a question: "Who is (should be) an employee?". The answer to this question determines, what persons, who provide a personal and gainful work are covered by the protective provisions of labour law. This question, that appeared at the time of the 19st-centry industrial revolution, become in the centre of current debate on labour law legislation confronting the challenges of: "*subjective weakening*" or "*loss of personal scope*" of labour law. The submitted research project: "The concept of worker. The need for redefinition of the boundaries of the employment relationship" intends to deliver an answer to this question by propose a new paradigm for the employment relationship. The project opens new perspective for Polish employment and labour law – the perspective of purpose and human rights approach to the analysis of legal regulation of employment relationship. This regulation will be perceived from goals that it implement and human rights that it involves. This approach will be adopted to analyse a research question at four levels of reference: (i) individual labour law; (ii) collective labour law related to collective bargaining and information and consultation; (iii) social security law; (iiii) procedural law in labour law matters. The submitted research project assumes that the paradigm of employment relationship should be determined by the relation where a worker is in economic, social and psychological dependency with a specific employer/client. The element of 'dependency', instead of an element of 'subordination', provides at present an answer to the specific needs of regulation and protection for diverse work relations which does not fit into the 'traditional' mould of the employment relationship.

The research project applies a qualitative research methodology, which involves document analysis an literature analysis as research methods to collect information and data. This will cover in particular institutional reports, laws and regulations within international law, european law, including EU law and national law. The collected data will be prepared for analysis and categorised. To reach conclusions and research findings, a qualitative data analysis, including legal analysis will be applied.