

SOCIOLOGICAL AND LEGAL ASPECTS OF THE CONCEPT OF “HUMAN DIGNITY” IN EMPLOYMENT RELATIONS

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Abstract: *In this article, we will analyze the sociological and legal aspects of the concept of human dignity within employment relations, beginning with a brief historical overview of the notion of “human dignity” and continuing with an examination of how this concept is reflected in labor legislation and case law. Although in employment relations the employee is required to carry out the instructions given by the employer, the Romanian Labour Code nonetheless protects the employee by stipulating that he or she benefits from “respect for dignity [...] without any discrimination,” granting “the right to dignity at work.” This means that while all human beings are born free, if their dignity is not recognized, they cannot live in complete freedom.*

Key words: *human dignity, fundamental value, labor relations*

1. Introduction

It is necessary to begin this study with the concept of *human dignity*, but not before uncovering the etymological meaning of the word “*dignity*”. The term originates from Sanskrit, where *dec* means “*glory*” or “*renown*,” and from Latin, *dignus*, meaning “*distinguished*”, includes the latin expression “*Laudare aliquem pro dignitate*” (Sava-Mirea, 2019, pp. 16–20) or “*worthy*.” In Latin, there is also a superlative form of *dignus*—namely *dignissimus*—which signifies “*the most worthy*”. The Latin noun *dignitas*, *dignitatis*, had two principal meanings: “*price*” or “*value*,” and “*the quality of being worthy, meritorious, esteemed, or honored*”² (Cornu, 2014, p. 346.). For example, in the expression “*laudare aliquem pro dignitate*,” the term did not always mean *to praise someone because he is worthy*, but rather *to praise him for his good reputation*—that is, for being a person of high standing, an important dignitary, a personality who enjoys, by virtue of his achievements and merits, a high reputation, prestige, and recognized fame (Rotaru, 2016, p. 33).

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In that historical context, this quality belonged only to individuals who either held a public office or reached a level of excellence in a particular field as a result of exceptional personal qualities or abilities (Donnelly).

The current meaning of the term “*human dignity*” was shaped by Kant (1724–1804), one of the great philosophers of the Enlightenment. He gave a new significance to the Latin word *dignitas*, defining it as an absolute value, inherent to every human being:

“All persons, regardless of rank or social class, possess an equal intrinsic worth or dignity. Human dignity is an innate value or status that we have not earned and cannot lose. Rather, we must strive to make our individual choices worthy of this moral standing, which elevates us above animals and mere things [...] (Kant, 2003, pp. 214–245)”.

Kant describes dignity as “an unconditional and incomparable value” that “admits of no equivalent”. Although lawmakers of his time did not incorporate this concept into legal norms as understood by Kant, after the two World Wars this interpretation of human dignity became widely accepted and remains authoritative today. It has been adopted and enshrined in all major international, European, and national legal frameworks (Sava-Mirea, *op.cit.*, p. 19).

Hodson defines dignity as the ability of a person to have a sense of confidence and self-respect and the respect of the others around him /her (Hodson, 2009, p. 3).

Currently, several authors assert that human dignity represents “an indeterminate legal standard, centered on the idea of respect—both in terms of the attitude through which a legal subject demands respect from other participants in social relations, and with regard to their general obligation to uphold the essential values that individualize the human person, without which one would lose self-respect. (***Encyclopedia of Romanian Law, 2021, p. 143).

2. The Meaning of the Concept of “Human Dignity” in Employment Relations

In any employment relationship, the employee has the obligation to carry out the orders received from the employer, who is legally entitled to issue them.

The employer possesses the authority to manage, to regulate, and to exercise disciplinary prerogatives (Ştefănescu, 2003), since he has the right to establish the rules governing the organization and operation of the workplace, to define the tasks assigned to each employee, to issue binding instructions, to supervise the fulfillment of professional duties, and to identify disciplinary offenses and apply sanctions in accordance with the law, the collective labor agreement, and internal regulations. The employer also has the right to set individual performance objectives (Article 40 of the Labour Code).

The employee, on the other hand, enjoys all the rights guaranteed by the *fundamental law*, including: the right to dignity at work, the right to physical and psychological integrity, the right to privacy (For more details on this aspect, see Dimitriu, 2011, pp. 36–45), and the right to freedom of expression (which encompasses the right to association, the right to collective bargaining, and the right to strike). In exercising the prerogatives listed above, the employer is under the obligation not to infringe upon any of these rights of

the employee — from the moment of recruitment and employment until the termination of the labor contract (For further details, see Gîlcă, 2014).

Respect for dignity at work implies (Dimitriu, *op.cit.*, pp. 43-45): the prohibition of all forms of discrimination based on sex, ethnicity, or sexual orientation; the assurance of equal opportunities between men and women regarding access to employment, equal pay for equal work, promotion, working conditions, and benefits; the prohibition of moral or psychological harassment (also known as *mobbing*); and the employee's prerogative to claim and obtain moral damages in cases where his or her non-patrimonial rights have been violated. In conclusion, the worker's human quality must take precedence over any other circumstance that may arise during the performance of professional duties. The fact that the employee is in a position of subordination to the employer should never diminish his or her intrinsic human essence (Dimitriu, *op.cit.*, pp.43-45). As one author aptly noted, "to care for a person's dignity means to ensure that he is not constantly forced to prove his dignity" (Pleșu, 2011, p. 46, cited in Dimitriu, *op. cit.*, p. 45).

2. The Recognition of the Concept of "Human Dignity" in International, Union, and National Labour Law

The *Universal Declaration of Human Rights*, signed in Paris on December 10, 1948, by the member states of the United Nations, consecrated for the first time the term "*human dignity*" within legal and institutional language. Its Preamble states that "the recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family [...] is the foundation of freedom, justice and peace in the world". Furthermore, Article 1 provides that "all human beings are born free and equal in dignity and rights". The same document establishes in Article 23 that "everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity."

Gîlcă, in his study "Dignity at Work", explains that the universal right to social dignity is defined through specific rights (Gîlcă, 2014) outlined in the *International Covenant on Economic, Social and Cultural Rights* of 1966 (was ratified by Romania through Decree no. 212/1974, published in the *Official Bulletin of the RSR*, no. 146 of November 20, 1974), which likewise states in its Preamble:

"The States Parties to the present Covenant, considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, and recognizing that these rights derive from the inherent dignity of the human person".

The *Charter of Fundamental Rights of the European Union* (published in the Official Journal of the European Union, C 326/391 of October 26, 2012), signed in Nice (the Treaty of Nice), devotes its very first title to the theme of dignity, simply entitled "*Dignity*." It regulates this concept through five articles. Article 1, titled "*Human Dignity*," stipulates that *human dignity must be respected and protected; it is inviolable*.

It is noteworthy that the drafters of the Charter placed *human dignity* before the *right to life*, which appears in Article 2, thereby emphasizing that dignity constitutes “the cornerstone of the theory of human rights” (Ungureanu & Munteanu, 2014, p. 9.) Finally, Article 31(1), entitled “Fair and Just Working Conditions,” provides that “Every worker has the right to working conditions which respect his or her health, safety, and dignity.”

The Revised European Social Charter (Strasbourg, May 3, 1996) in point 26 of Part I, provides that “all workers have the right to dignity at work”. Furthermore, Article 26, entitled “The Right to Dignity at Work”, stipulates that:

“With a view to ensuring the effective exercise of the right of all workers to the protection of their dignity at work, the Parties undertake, in consultation with employers’ and workers’ organizations: (1) to promote awareness, information, and prevention in the area of sexual harassment in the workplace or in connection with work, and to take all appropriate measures to protect workers from such conduct; (2) to promote awareness, information, and prevention of recurrent reprehensible or explicitly hostile and offensive actions directed against any employee in the workplace or in connection with work, and to take all appropriate measures to protect workers from such conduct”.

It should be noted that all these international provisions also apply to migrant workers (Dinu, 2021, pp. 249-254; Iancu, 2015, pp. 1-18; Ştefan, 2015, pp. 540-544; Cliza, 2018, pp. 89-99). Following the same principle, the Constitution of Romania, as revised and republished, also provides in Article 1 that “Romania is a State in which human dignity, the rights and freedoms of citizens [...] are supreme values” (for more details about this concept see Anghel, 2015, pp. 103-113). In the context of the right to work, specialized legal literature notes that, within employment relations, provisions such as Article 39(1)(e) of the Labour Code establish the employee’s right to dignity at work as an application of the constitutional provision on human dignity found in Article 1(3) of the Constitution.

4. The Recognition of the Concept of “Human Dignity” in the Jurisprudence of the Constitutional Court of Romania

Given that the legislator employs the concept of “*human dignity*” in a broader sense, it has fallen to the jurisprudence of the Constitutional Court of Romania to distinguish the notion of “*human dignity*” from other forms or manifestations of dignity. The term “*dignity*”, in its broad meaning, concerns both natural persons and legal persons, whereas the expression “*human dignity*” refers exclusively to natural persons, as provided in Article 1(3) of the *Constitution of Romania* and as interpreted by the Constitutional Court in several of its decisions.

Thus, in Decision no. 1109 of September 8, 2009, the Constitutional Court affirmed that *human dignity* is a concept applicable solely to natural persons, since only they enjoy the fundamental rights and freedoms of citizens—values that are based on human dignity and the free development of human personality, as provided by Article 1(3) of

the Constitution—thereby recognizing the human nature of the individual (Kinga & Károly, 2021).

This idea was reaffirmed by the Court in Decision no. 1576 of December 7, 2011, where it stated that “Human dignity is an inalienable attribute of the human person, a value that imposes itself upon every member of society”, and that “it is an intrinsic value of the human being, having the same significance for each individual”. Rizioiu notes that there exists an area of objective law that legal persons cannot access, since it belongs exclusively to the human being as a natural person (Rizioiu, 2024, p. 109). In Decision no. 465/2019, the Court further held that “human dignity not only has a declarative value and is not devoid of normative content; on the contrary, it has a normative value” and that it constitutes “the foundation and essence of fundamental rights and freedoms”.

Therefore, in the jurisprudence of the Constitutional Court, the concept of *human dignity* is not regarded as a stand-alone subjective right, but rather as a fundamental guiding principle, a “supreme value of the State” (Kinga & Károly) which “cannot be evaluated in monetary terms nor compensated through material benefits” (Decision of the Constitutional Court of Romania no. 62 of January 18, 2007).

In Decision no. 464 of July 18, 2019, the Constitutional Court of Romania ruled that: “Within the meaning of human dignity, the human being must be the purpose and subject of the State’s action, not its means or object. Therefore, the State cannot subject a person to treatment that negates his or her legal status and quality as a subject of law, as this would amount to a disregard of the obligation to respect the human essence of the individual. Any state conduct that calls into question the subjective existence of the individual, or any abstention in a particular case that results in the arbitrary disregard of human dignity, is contrary to human dignity. Hence, any actions or omissions that aim at or result in the disregard of the individual’s human existence, humiliation, stigmatization, persecution, ostracism, outlawing, or the application of degrading treatment are incompatible with human dignity”. A human being cannot be viewed or treated as an object by public authorities or by legal persons with whom he or she is in a relationship of subordination, but rather as a subject of law whose human dignity must be protected.

In conclusion, according to the jurisprudence of the Constitutional Court, human dignity constitutes a supreme value of the State, which is inviolable and inalienable, and serves as the source of the entire spectrum of fundamental rights and freedoms. Moreover, it possesses a normative character and content, deriving from its legally binding force (Kinga and Károly).

5. Sociological Aspects of Discrimination in the Workplace

In Romania, the discrimination of women persists both within the family sphere (approximately one in five women are homemakers) and in society at large, notably through wage discrimination in certain professions.

According to the *Gender Barometer*, the income gap between women and men remains significant: data from the surveyed sample show that men’s earnings are, on average, twice as high as those of women. Moreover, the proportion of women without

any income is four times higher than that of men. Women tend to have shorter employment histories than men, as they are often employed in sectors where wages are lower, which in turn generates economic dependency on men's income (Pasti and Ilinca, 2001, p. 71).

A study entitled *"Specific Phenomena of Workplace Discrimination: Mobbing"*, highlights one of the causes of women's economic marginalization and exclusion—namely, their low political representation. This persists despite the fact that Romanian legislation provides clear provisions guaranteeing equal opportunities between women and men, equal rights for all citizens regarding access to employment, and equality in the distribution of benefits and career advancement (Gheondea et al., 2010, p. 20, pp. 131–140). Visible forms of discrimination occur particularly at key moments, such as recruitment, retention, and promotion within the workplace (Popescu Ljungholm and Tolbaru, 2025, pp. 47–62).

In 2025, the survey *"DigitalHR Barometer: Gender Discrimination Still Present in Romania"*, revealed that out of 222 respondents, 125 confirmed that significant gender-based differences persist in both career advancement and remuneration practices.

Another form of discrimination based on sex is sexual harassment. For this reason, Romania has adopted specific legislation in this field — the most recent being Government Decision no. 970 of October 12, 2023, approving the *Methodology for the Prevention and Combating of Harassment on Grounds of Sex, as well as Moral Harassment in the Workplace*. Article 1 of this decision states that its purpose is "to ensure equal opportunities and treatment between women and men in employment and education, to specifically recognize each citizen's right to a work and educational environment free from violence and harassment, and to encourage and maintain a work culture based on mutual respect and dignity."

In conclusion, the topic of dignity at work remains highly relevant today.

Therefore, in the economic field, dignity at work is necessary from the moment of employment, by demanding a decent salary but also by the employer's respect for equal opportunities. At work, dignity is achieved through the employee's desire to be proud of the work they do every day but also by opposing possible abuses by the employer, through acts of resistance (Hodson, 2009, p. 3; for the same idea, see Nenu and Iordache, 2019, pp. 98–107).

De lege ferenda, we propose that this concept should be explicitly defined and incorporated into Romanian legislation in order to strengthen its normative clarity and social application, since with the emergence of new technologies the paradigm of how professional activities are carried out, the nature of jobs, and workers' obligations is changing. Digitalization, as well as Artificial Intelligence, bring major changes to the equipment and systems used for producing and delivering goods and services; therefore, workers must begin to reconsider the need to adapt and acquire new professional skills so that they can cope with new technologies, without, however, assuming that all these developments affect their sense of dignity in the workplace. Only by adapting can the risk that certain workers will be pushed out of the labor market be reduced (Nenu, 2025, pp.140–145).

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