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ADULTS IN AGE, BUT NOT IN WAGE

Does the British sub-minimum wage for workers aged 18 to 21 amount
to age discrimination under European Law?

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Abstract

During the past several years, governments all over Europe have tried to promote integration of young workers into the labour market by diminishing their labour protection. At the same time, there has been an important evolution of European non-discrimination law, particularly in relation to age discrimination. Yet no in-depth analysis has been carried out on what the limits of the justification of such reductions of labour rights are under European anti-age discrimination law. This leaves governments alone with prejudices and preconceived ideas when designing such measures. Thus the prime objective of this thesis is to shed some light on these limits. In order to do so, it utilises the case study of the British sub-minimum wage for workers aged 18 to 21, which is lower than the minimum wage for the general population. Furthermore, it analyses what the greatest problems may be when presenting a case of age discrimination of young workers before the European Court of Human Rights, the Court of Justice of the European Union and the European Committee of Social Rights. The thesis concludes that if European non-discrimination law is interpreted globally, a sub-minimum wage that does not take into consideration any other individual characteristic besides age, is disproportionate to the aim sought and thus amounts to age discrimination.

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