

Age Discrimination in Labour Law

Abstract

Equal treatment and prohibition of discrimination are the core principles of labour law. They are instrumental in ensuring the full realisation of right to gain living by means of work. Age is one of the most common reasons for discrimination in employment whereby rights and opportunities of persons are limited based on the sole criterion of age. Prohibition of age discrimination in Czech labour law is then to a large degree influenced by the law of the European Union, as well as by the case-law of the Court of Justice of the European Union.

With regard to the above, the objective of the diploma thesis presented herein is to examine in detail the prohibition of age discrimination in the law of the European Union, focusing on the regulation of prohibition of age discrimination in employment and occupation according to Directive 2000/78/EC. The thesis aims to determine the different forms of age discrimination and delimit the prohibition of age discrimination according to Directive 2000/78/ES in the light of the case-law of the Court of Justice of the European Union. The thesis also aims to relate the findings to selected decisions of Czech courts.

The thesis consists of an introduction, five chapters divided into subchapters and sections, and a conclusion. The first chapter presents the basic concepts of equality and discrimination, examines age as a specific ground for discrimination, and considers the significance of prohibition of discrimination in employment and in Czech labour law. The second chapter examines the principle of equality and prohibition of age discrimination in the context of law of the European Union. The third chapter focuses on prohibition of age discrimination as set forth in Directive 2000/78/ES. The fourth chapter determines the limits of the prohibition of age discrimination and analyses such limits in the light of the case-law of the Court of Justice of the European Union. The aim of this chapter is to evaluate the approach of the Court of Justice to interpretation of the various limits on prohibition of age discrimination, and to provide summary of the most notable decisions of the Court of Justice. The fifth and final chapter aims to relate findings to selected decisions of Czech courts. Most important findings are summarised in the conclusion.

Keywords: prohibition of discrimination, age, labour law