

The principle of equal treatment and non-discrimination in labor relations

Abstract

This dissertation focuses on the analysis of the legal regulation of the Czech Republic containing the principle of equal treatment of employees and the prohibition of their discrimination in labor relations. The other objective is to compare the legal regulations of other European Union Member States and to apply the principle of equal treatment and non-discrimination in practice, including the abundant case law of The Court of Justice of the European Union, the European Court of Human Rights and the less case law of the Czech courts.

The content of this dissertation above all is an introduction of the principle of equal treatment and non-discrimination, differentiation of material and formal equality including specification of individual discriminatory reasons and an introduction of the most important legal sources in the international legislation, standards of the European anti-discriminatory law and domestic legal adjustment.

Another part describes the rules of equal treatment and the ban of discrimination applied in real life in the area of remuneration in terms of rewarding somebody the same amount for the work of same value, and a possibility of achieving a functional or other types of promotion without differentiating based on a discriminatory reason. This part pays close attention

to gender discrimination, to an indicator “gender pay gap” and to arrangements that could improve this the situation of unequal remuneration of men and women.

A crucial part of the dissertation is a comparison of the legislation with the legislation of our neighbor states, France and United Kingdom of Great Britain and Northern Ireland. Thanks to this comparison it is possible to come to a conclusion that even though the Czech legislation of this topic is in conformity with international law regulations and the European anti-discrimination law, there is still room for inspiration from foreign legislations in terms of acceptance of amendatory or additional regulations, primarily to support protection of anti-discrimination behavior victims.

The comparative part of the dissertation is followed by a part talking about EU regulations n. 2000/43/ES about equal treatment of people regardless of their race or ethnical origin and n. 2000/78/ES that determines general framework for equal treatment at work and professions, whose meaning is to fight against discrimination based on religion or faith, disability, age,

sexual orientation. The core of this chapter is introducing differences between EU legislation after the implementation of stated regulations into their legal codes.

Last but not least, extrajudicial and judicial legal means for protection against discriminatory behavior in labor relations are described, while focusing primarily on taking legal anti-discriminatory actions with a so called figurative burden of proof against the defendant and also focusing on the role of the Ombudsman, a person, who is a part of the European net of ombudsmen “EQUINET” which is very active in the area of equal treatment of the employees or job seekers.

The final chapter is briefly devoted to the harmony of private and professional life of workers and to the concept of diversity in the light of the principle of equal treatment and the ban of discrimination.

Key words

Equal treatment and prohibition of discrimination

Forbidden grounds

Affirmative actions