

# **The Prohibition of Discrimination Based on Disability in the Field of Employment Relationships**

## **Abstract**

The aim of this master's thesis is to evaluate the standard of the protection of people with disabilities from discrimination in the field of employment relationships in the Czech Republic, to identify the reasons of this state and especially to provide *de lege ferenda* proposals, that could lead to the increase of the standard of the prohibition of discrimination based on disability in the field of employment relationships.

The used research methods are mainly analytical and empirical methods.

The master's thesis starts with the legislative regulation of the prohibition of discrimination based on disability in the field of employment relationships on the international law level, where the Convention is crucial, and continues toward the level of EU and national law.

Czech anti-discrimination law embodied especially in the Antidiscrimination Code and regulating the prohibition of discrimination based on disability in the field of employment relationships, is based on the Framework Directive. Therefore, a significant part of this thesis is devoted to the Framework Directive and the relevant Court of Justice of the EU's decisions, within the CJEU interpreted the Framework Directive and filled many white spaces, such as the definition of *disability*, the relationship between terms *disability and illness*, etc.

The thesis then draws attention to the relevant Czech codes providing the protection tools against discrimination based on the disability in the employment relationships. The master's thesis divides these codes on the public law side and judicial, i.e. private law side.

The critical core of the thesis focuses on the chapter dedicated to the judgments of the Czech courts.

At the end, the master's thesis summarizes and fuses partial conclusions provided in the individual chapters of this thesis. Particularly, the author points out a weak judicial protection caused by many reasons, and proposes its supplementation by strengthened public law control, which is provided by the employment inspectorates. At the same time, the author proposes the introduction of the institute of shared burden of proof into administrative proceedings and also the introduction of the possibility of demanding the conclusion of an employment contract in a civil action.

**Key words: Discrimination; Labour Law; Disability.**