

## **PROHIBITION OF DISCRIMINATION BASED ON SEX IN LABOUR-LAW RELATIONS**

This diploma paper deals with the prohibition of discrimination based on sex in labour-law relations. Its main objective was to present a comprehensive construction of legal regulation of equal treatment and equal opportunities for men and women both in the legal order of the Czech Republic and in the law of the European Community („EC“) and in public international conventions.

The thesis opens with the explanation of general framework of the subject, it especially analyses the notion of equality and various approaches to this concept. Further on, the paper focuses on the demonstrations of unequal chances of men and women on the employment market, as well as on the historical aspects of women's status in society.

Quite an extensive part of the presentation is dedicated to the definition of the fundamental concept of discrimination, its particular forms (above all the conception of direct vs. indirect discrimination) and exceptions to the principle of equal treatment. The explication is primarily based on definitions contained in the European directives (to the implementation of which the Czech Republic as a Member State of the EC is obliged), as well as on the relevant judicial decisions of the European Court of Justice („ECJ“).

The account of legal enactment of the principle of equal opportunities for men and women commences with international public law. Principal treaties of the United Nations Organization, of the International Labour Organization and of the Council of Europe are being analysed in particular. In the following text looking into the European antidiscrimination legislation the evolvement of the above-mentioned principle in both the foundation treaties of the EC and the European directives is being emphasised. The thesis also pays attention to the case law of the ECJ which constitutes an indispensable part of the *acquis communautaire*.

The chapter dealing with the legal enactment of the prohibition of employment discrimination based on sex in the Czech Republic elaborates on the individual legal acts regulating the subject. The paper repeatedly declares the urgent lack of comprehensive antidiscrimination legislation and gives reasons for its immediate

enactment. The paper also tries to evaluate the implementation of the respective European directives into the Czech legislation and the application of the antidiscrimination law by the Czech national courts. The thesis closes with a few practicable recommendations, both of legislative and conceptual nature, which could possibly contribute to the elimination of all kinds of discrimination based on sex in labour-law relations.