

ABSTRACT

PROHIBITION OF DISCRIMINATION BASED ON SEX IN LABOUR-LAW RELATIONS

This diploma paper deals with prohibition of discrimination based on sex in labour-law relations. Its main objective was to analyze the current position of women in our society, particularly on labour market. The thesis also presents basic terminology in terms of equal opportunities for men and women. Further more, this paper discusses and evaluates the legislation with regards to discrimination prohibition in international legal documents and European Communities/Czech Republic laws.

The thesis is divided into five general parts. The first one focuses on the changes in the woman's position over the years in historical context, on her role in society and describes work equality legislation development. This part closes evaluation of the women's current position in workplace and points main reasons causing inequality between males and females.

The second part qualifies basic concepts of antidiscrimination legislation. Equality issues are analyzed from a formal and material prospective. This section is further broken down into the following sections; the explication of equal opportunities, results evaluation, ways for using affirmative action and particular exceptions from equality.

A key word of the thesis is „discrimination“ and its particular forms; for example direct or indirect. However, there are many different types of discrimination, including but not limited to: sexual harassment, mobbing or inciting others to act in discriminating way.

The third part yet focuses on a specific application and law revision including discrimination prohibition in international human-legal documents prepared by United Nation Organization, International Labour Organization and Council of Europe. These documents became the basis for another juridical changes, especially in laws of European Communities (“EC”) to which is dedicated the fourth part of the thesis.

Discrimination and primary law evaluation begin in the setting of EC documents; these documents are secondary law analysis of antidiscrimination guidelines. The penultimate section closes with a summary of case law of European Court of Justice that significantly helped to design antidiscrimination laws.

In the fifth section of the thesis will analyze Czech antidiscrimination legislation with description of revision of discrimination prohibition in Labor Code of 1965. Follows analyses of documents dealing with antidiscrimination regulations - Labor Code of 2006, Employment Laws and others.

One of the most important part of the thesis is dedicated to Czech Antidiscrimination Act interpretation. With all its European Union directives, represents, complex proposal of discrimination prohibition and protection.

The final section closes with description of Czech law authorities approach the issue of equality and brings examples of case law in the Constitutional Court and Common Courts. Finally the thesis is summarized by stating the women's position on a labour market and antidiscrimination legislation evaluation.