

Equal treatment and prohibition of discrimination in employment relations and social security systems in Czech and European law

Abstract

The dissertation deals with equal treatment and prohibition of discrimination in employment relations and social security systems in Czech and European law.

In the introductory section the historical context of anchoring the principle of equality into the legal regulation is outlined. The attention is paid on one hand to the social changes in the first half of the 20th century, which led to the protection of equality in Europe, and on the other to the legislative initiatives and the role of justice in the second half of the 20th century.

The second part explains the concepts of equality, discrimination, employment relations and social security systems, which are the central motifs of the dissertation. It analyses how these concepts were viewed in the past, how they evolved, and in what forms and manifestations we can come across them today.

The third part introduces the Czech and European legislation, which constitute the current Anti-Discrimination law. Emphasis is placed on the assessment of the Czech Anti-Discrimination Act with regard to its almost ten years of effectiveness in the Czech legal order. The author concludes that despite the facts that the protection provided by the Anti-Discrimination Act can also be covered by other law, the courts do not place sufficient emphasis on the granting of financial satisfaction and the potential victims of discrimination have not gained more detailed awareness of its content, its introduction into the Czech legal order has defined the term discriminatory behaviour, brought an increased number of complaints to the Ombudsman and an increased number of legal actions, therefore the Anti-Discrimination Act can be considered as beneficial.

The fourth part deals with individual discriminatory reasons, whose content is explained here in the light of their interpretation by the Court of Justice of the European Union. The author's thoughts in relation to their potential interpretation in the future are given.

The last part defines the means of protection available to the victims of discrimination if they choose to oppose discrimination. The different means of protection are assessed with regard to their pros and cons and the benefits for the victims of discrimination. The author

argues here that the most effective means of protection is currently the Ombudsman, whose powers *de lege ferenda* would deserve to be extended to the right to bring the public actions.

The dissertation provides an actual assessment of the equal treatment and non-discrimination in employment relations and social security systems. It examines this issue both from the point of view of the Czech law, taking into account almost ten years of the effectiveness of the Anti-Discrimination Act, as well as from the point of view of the European law and significant case law of the Court of Justice of the European Union.

Key words: equality and discrimination; labour law and social security law; Anti-Discrimination Act