

Gender and Law

Abstract

This diploma thesis is concerned with the relationship of gender and law. It uses the example of unequal pay to analyze both lasting gender structures which exist within our society and their reflection in legislation. Firstly it addresses the equal pay regulation within the current Labour Code and its provisions and attempts to discover social and cultural phenomena which permanently maintain and sustain pay inequality, despite the supposed equality guaranteed by the legislation. It offers a critical look at the legislation in view of its insufficient real effect on extra-legal reality. Finally it analyzes the whole problem through the eye of feminist legal theory and tries to find alternative means of regulating gender equality.

This thesis then firstly describes the approach to pay equality adopted by legislation, with its advantages and disadvantages, and the government gender policy which covers each of these regulations. The second part of the thesis deals with the statistical data pertaining to unequal pay and analyzes societal causes of persisting inequality such as segregation of the labour market or employee discrimination. The final part of this thesis addresses the development of feminist legal theory, its leading thoughts and ideological disputes and its strategies for achieving gender equality. For the goal of this thesis is not only to analyze the relationship of gender and law in current legislation, but also to introduce the field of feminist legal theory which is not widely represented within the current Czech legal system.

The concluding part of this thesis attempts to find alternative ways of regulating pay equality, one that would ensure achieving true equality of men and women. This solution is, however, only theoretical and its practical application is hindered by many obstacles. Nevertheless, the goal of this thesis is to prove that the current state of gender equality legislation is unsatisfactory and that it is necessary to seek out alternative means of regulation in order to achieve true equality.

Key words: gender and law, gender pay gap, feminist legal theory