

Summary

The goal of this diploma thesis is by no means a comprehensive treatise on all aspects of equality and associated principles of equal treatment and forbidden discrimination. The purpose of the thesis is primarily to give a certain viewpoint of legal regulation of the principle of equality and forbidden discrimination from the stance of the international and European regulation and the Czech legal order. Discrimination in the area of the Labour Law has been a frequently discussed topic, which, among other things, prompted me to select this topic for my diploma thesis called “*Discrimination of Selected Groups of Employees.*” The issue of equality of all people and the associated principle of equal treatment and forbidden discrimination is still alive, has not been solved so far, and has been gradually developing.

The *chapter* called “*Definition of Basic Terms*” contains *individual institutes*, which are connected with the selected theme of my diploma thesis. I define the *negative forms of discrimination* – direct and indirect discrimination, harassment, and sexual harassment, order, soliciting discrimination and I also tackle the *issue what is not considered discrimination*. The *chapter “Development in the 20th century until the present time”* is devoted to forbidden discrimination in international law documents and in the European Union. It is followed by a treatise on equal treatment and forbidden discrimination in employment relationships in the Czech Republic, where I describe the development of legal regulation after the year 1989 and applicable legal regulation. The *chapter* called “*Discrimination of Selected Groups of Employees*” describes each reason for discrimination separately, starting with a general description followed by specifications of relevant judgments awarded by the European Court of Human Rights, European Court of Justice, and national courts.

Women are rewarded for the same work much less than men and they usually occupy lower positions. They must always face obstacles in how the society sees the “weaker gender.” Development of measures taken for balancing the personal and working life on the part of employees, employers, as well as the state is the primary issue for the improvement of the situation of women on and after maternity/parental leave. In the case of discrimination on the basis of race or ethnical origin, both the behaviour of the majority and cultural habits of a discriminated group are important.

The relationship between the majority population of the state and the minority can be full of conflict and misunderstanding. These discords often result from the failure to understand the differences between various cultures; therefore, it is necessary to fight the racial and ethnical discrimination as well as to try to integrate the minority into society. Discrimination against older employees on the basis of their age is very different from discriminating against the young. During their professional careers, young employees will gain the required knowledge, skills, and experience sooner or later, while older people cannot escape the prejudice against their age. The ageing changes the society in important and essential aspects and requires complex re-evaluation of how they are seen by others, especially by employers and the state. Differences in religion can be eliminated by mutual tolerance of believers to applying their beliefs with respect to believers of a different religion or atheists and the state. As for the handicapped, equal treatment is not identical with equal treatment with regard to other discrimination criteria. Due to their handicap, they are often unable to perform any work at all. These people must be provided with the right to dignified life and must be integrated into social life. Discrimination on the basis of sexual orientation is still influenced by the perception and thinking of society. Sexual orientation has no impact on the work drive in one's occupation or career. Discrimination on the basis of nationality is a peculiar discrimination criterion, resulting from the very essence. Such discrimination is influenced primarily by economical factors and the state itself often applies a protective policy against employees from other than the domestic country.

Despite the fact that anti-discrimination provisions have been anchored in international documents, in the European Union, and in national regulations of individual states, discrimination still persists in today's society. In fact, no legislation cannot by itself ensure the actual implementation of the principle of equality in practice (de facto). The basic priority in the field of equal opportunities is therefore to support the fulfilment of the principle of equality in practice. By prohibiting discrimination by law, it is possible to regulate only outward behaviour of individuals, but not their internal attitudes, opinions, traditions, or culture. As a result, improving general awareness of the essence of the principle of equality and elimination of obsolete opinions about the role of a woman or man in society, handicapped people, racism or sexism, xenophobia, seems to be the most important task. An active employment policy

facilitates easier access for disadvantaged groups to the labour market. In implementing the active employment policy, individual states focus on the integration of risk groups of the unemployed into the labour market. The balancing of the working and personal life appears to be an important issue. This issue does not have to be related only with the gender – women or men, but it can also contribute to other discrimination reasons, such as age or handicap. Some types of flexible work are becoming popular among employers, or family policy concepts and “pro-family bundles” are being adopted.

Klíčová slova

Negativní druhy diskriminace, pozitivní diskriminace, přímá diskriminace, nepřímá diskriminace, obtěžování, sexuální obtěžování, pokyn, pronásledování, diskriminace na základě pohlaví, rasy a etnického původu, věku, zdravotního postižení, náboženství či víry, sexuální orientace, národnosti.

Keywords

Negative forms of discrimination, affirmative action, direct and indirect discrimination, harassment, and sexual harassment, order, soliciting discrimination, discrimination on the basis of gender, race or ethnical origin, disability, religion or belief, age, sexual orientation, nationality