

Protection against discrimination in employment relations

Abstract

The thesis discusses legal instruments of protection against discrimination in labor relations which are applied in accordance with the current legislation of the Czech Republic. Using the perspective of the discriminated employee, the thesis distinguishes between preventive and reparatory instruments. However, the thesis indicates that the boundary between these two basic categories is often blurred.

In the introductory chapters, the thesis attempts to identify and define the features of discriminatory behavior, which, according to the theory of law, lies within the domain of private and public law. The thesis points to the intertwining of public and private law as a typical feature of labor law.

The related second chapter reviews the parallel existence of the public interest in protection against discrimination in employment relationships and the private interest – or individual claims - of discriminated employees. However, exercising the public interest on the one hand, and exercising personal, legitimate interests of employees on the other cannot be understood as antagonism.

The third chapter lists the instruments of protection against discrimination, divided into preventive and reparatory instruments, and mentions the subjects and institutes that apply these specific instruments.

The characteristics of the subjects of protection against discrimination in labor relations form a substantial part of the thesis. The characteristics are treated in particular in terms of the subjects' specific activities, which often affect the interests of employers. This is especially evident in the section on labor inspection bodies.

The individual sections devoted to specific subjects of protection demonstrate that the definitions of the scope of the different subjects of protection against discrimination allow them to address the employee's interests only formally. This is so even though, from the employee's point of view, the different subjects are meant to serve the single goal of protecting against discrimination. I consider it important that all entities whose activities this thesis discusses (typically, for example, labor inspection bodies, i.e project groups of the Ministry of Labor and Social Affairs, NGOs and the Public Advocate) should perform their activities effectively, cooperate with each other wherever this is possible, and act in a manner that is comprehensible and transparent for the discriminated employee, as I mention in the relevant sections of Chapter Four.

The last chapter of the thesis presents an excursion into the legal regulation of the Equality Bodies institute and of labor inspection bodies in selected countries of the European Union. The chapter also offers a comparison of the main features of the national regulations of these countries with the legislation of the Czech Republic.

Key words: discrimination, labor law, protection