

Labour Code - the Czech Republic

Labour Code, 2000 N°65/1, as last amended by Act N°312/2002

The Code has implemented a number of special provisions concerning equal treatment.

Subsection 1(3) requires employers to treat equally all employees in relation to their working conditions, including all forms of remuneration and other consideration, as well as vocational training and career and promotional opportunities. Subsection 1(4) prohibits discrimination in employment on a number of grounds which includes sex, marital and family status and family duties. Employers are prohibited from direct discrimination but also indirect discrimination. Exceptions may be established in the Code (or in special laws) or where required due to the special nature of the work if essential for the performance of the work.

Subsections 7(3)-(5) provide that employers must not cause any detriment or disadvantage to an employee who takes legal proceedings to enforce his or her employment rights or entitlements. In the case of violation of the equal treatment principle, the employee has rights to demand that the violations cease and to obtain adequate satisfaction. In the case of impairment of dignity or reputation, the employee has the right to monetary compensation for these non-material losses.

Several provisions of the Code offer protection for employees with family responsibilities. For instance, under s. 47, where the employment is terminated, the employer of an employee solely responsible for the care of a child under 15 years of age is obliged to "actively assist [the employee] in obtaining suitable employment" before the 2-month termination notice period can come to an end.

Employers are also prohibited from issuing a dismissal notice to pregnant female employees or parents having to care for a child under three years of age (s. 48 (1)(d)). The same restrictions apply to immediate dismissal of pregnant or parent employees, with the exception of cases of gross violation of disciplinary regulations or criminal conviction. In such cases only employees on maternity leave, or employees on parental leave for the same period or entitlement as maternity leave, are protected from immediate termination of employment (s. 53. (1)-(3)).

Employers must also allow employees to take recreational leave if requested immediately following on from maternity or parental leave for the same period of entitlement as maternity leave (see s. 108(4)).

Chapter V deals with health and safety at work and contains special obligations on employers regarding protection of pregnant women and other women up to the ninth month after having given birth, or who are breastfeeding (see s.133(1)(a) and (2)). The employer must:

- a. inform such female employees of any risks and any possible effects of their employment on the pregnancy or breast feeding (particularly upon commencing work or on reassignment to other work);
- b. to take necessary measures to reduce those risks;
- c. to adjust the workplace to provide facilities for rest breaks.

Chapter VII of the amended Code deals with work conditions for women (and adolescent) employees. Section 149 provides that employers are obliged to establish, maintain and improve hygienic and other facilities for women.

Section 150 (1) provides that women are prohibited from employment in underground work with the exception of women who:

- a. work in positions of responsibility or in management positions which do not involve manual work;
- b. work in health care or social services;
- c. are gaining operational experience as part of their studies;
- d. perform non-manual work which must be occasionally done underground, especially in occupations related to supervision, inspection, or study activities.

Section 150 (2) prohibits women from employment in "inadequate" or "harmful" work, especially in work which "endangers their maternal role". Section 150 (3) prohibits the employment of pregnant women in occupations which, in the opinion of a medical expert, endanger pregnancy. The same applies to women who are breastfeeding, until nine months after the birth of the child.

Other sections in the chapter regulate work conditions for pregnant and working parents such as:

- a. transfer to other work (job) due to pregnancy (s.153);
- b. business trips (working away) and transfers to other locations are allowed only with the consent or request of pregnant women and women in charge of young children (up to the age of eight years old) (s. 154);
- c. adjustment of work time for pregnant and working mothers (s. 156);
- d. maternity and parental leave as well as child care (sections 159 to 160) and breaks for breastfeeding (s. 161).

Sections 159 and 160 regulate parental leave by analogy to maternity leave. These provisions establish an individual entitlement to parental leave for male and female workers on the grounds of birth or the adoption of a child.

Sub-section 267(2) deals with employment conditions for "home workers" and renders non-applicable the provisions for prescribed weekly work time, wage compensation and overtime pay for domestic employees.

Section 270 provides protection for single employees responsible for the care of small children or invalids. It establishes the following provisions:

- a. Sections 154, 155 and 156 (1)-(2) also apply to employees responsible for the care of a child (these provisions cover such matters as work trips, transfers, dismissal and adjustment of work time).
- b. The provisions of sections 53 (3), 154 (3) and 156(2) also apply to employees who prove that they mainly take long-term systematic care of a mostly or entirely invalid citizen.

Section 274 (1) provides that the term "single persons" applies to unmarried, widowed or divorced men or women as well as women and men who are single for other good reasons, if they do not live with a common-law husband or wife.

Disciplinary fines are given to those found in violation of the code by an inspector (see s. 270A(4)). However, inspections of the military may only be carried out with the consent of central authorities (270A(5)).