

*An excerpt of the Labour Law:*

### **Section 7. Principle of Equal Rights**

(1) Everyone has an equal right to work, to fair, safe and healthy working conditions, as well as to fair work remuneration.

(2) The rights provided for in Paragraph one of this Section shall be ensured without any direct or indirect discrimination – irrespective of a person’s race, skin colour, gender, age, disability, religious, political or other conviction, ethnic or social origin, property or marital status, sexual orientation or other circumstances.

(3) In order to promote the adoption of the principle of equal rights in relation to disabled persons, an employer has a duty to take measures that are necessary in conformity with the circumstances in order to adapt the work environment to facilitate the possibility of disabled persons to establish employment legal relationships, fulfil work duties, be promoted to higher positions or be sent for occupational training or the raising of qualifications, insofar as such measures do not place an unreasonable burden on the employer.

(4) It is the duty of the work placement service as the employer to ensure the same working conditions and apply the same employment regulations to an employee who has been appointed for a specified time to perform work in the undertaking of the recipient of the work placement service as would be ensured and applied to an employee if employment legal relationships between the employee and the recipient of the work placement service had been established directly and the employee was to perform the same work.

(5) The working conditions and employment regulations referred to in Paragraph four of this Section shall apply to work and recreation time, work remuneration, to pregnant women, women during the period following childbirth up to one year, women who are breastfeeding, to the protection assigned to children and adolescents, as well as to the principle of equality and the prohibition of differential treatment.

### **Section 29. Prohibition of Differential Treatment**

(1) Differential treatment based on the gender of an employee is prohibited when establishing employment legal relationships, as well as during the period of existence of employment legal relationships, in particular when promoting an employee, determining working conditions, work remuneration or occupational training or raising of qualifications, as well as when giving notice of termination of an employment contract.

(2) Differential treatment based on the gender of employees is permitted only in cases where a particular gender is an objective and substantiated precondition, which is adequate for the legal purpose reached as a result, for the performance of the relevant work or for the relevant employment.

(3) If in case of a dispute an employee indicates conditions which may serve as a basis for his or her direct or indirect discrimination based on gender, the employer has a duty to prove that the differential treatment is based on objective circumstances not related to the gender of the employee, or also that belonging to a particular gender is an objective and substantiated precondition for performance of the relevant work or the relevant employment.

(4) Harassment of a person and instructions to discriminate against him or her shall also be deemed to be discrimination within the meaning of this Law.

(5) Direct discrimination exists if in comparable situations the treatment of a person in relation to his or her belonging to a specific gender is, was or may be less favourable than in respect of another person. Less favourable treatment due to granting of a prenatal and maternity leave, or a leave to the father of a child shall be considered as direct discrimination based on the gender of a person.

(6) Indirect discrimination exists if apparently neutral provisions, criterion or practice cause or may cause adverse consequences for persons belonging to one gender, except in cases where such provisions, criterion or practice is objectively substantiated with a legal purpose the achievement of which the selected means are appropriate.

(7) Harassment of a person within the meaning of this Law is the subjection of a person to such actions which are unwanted from the point of view of the person, which are associated with his or her belonging to a specific gender, including actions of a sexual nature if the purpose or result of such actions is the violation of the person's dignity and the creation of an intimidating, hostile, humiliating, degrading or offensive environment.

(8) If the prohibition against differential treatment and the prohibition against causing adverse consequences is violated, an employee in addition to other rights specified in this Law, has the right to request compensation for losses and compensation for moral harm. In case of dispute, a court at its own discretion shall determine the compensation for moral harm.

(9) The provisions of this Section, as well as Section 32, Paragraph one and Sections 34, 48, 60 and 95 of this Law, insofar as they are not in conflict with the essence of the relevant right, shall also apply to the prohibition of differential treatment based on race, skin colour, age, disability, religious, political or other conviction, national or social origin, property or marital status, sexual orientation or other circumstances of an employee.

(10) In a religious organisation differential treatment based on the religious beliefs of a person is permitted in the case if a specific type of religious belief is the objective of the relevant performance of work or the relevant employment and a justified prerequisite taking into account the ethos of the organisation.

### **Section 32. Job Advertisements**

(1) A job advertisement (a notification by an employer of vacant work places) may not apply only to men or only to women, except in cases where belonging to a particular gender is an objective and substantiated precondition for the performance of relevant work or for a relevant employment.

(2) It is prohibited to indicate age limitations in a job advertisement except in cases where, in accordance with the law, persons of a certain age may not perform relevant work.

(2<sup>1</sup>) It is prohibited to specify the knowledge of a particular foreign language in a job advertisement except in cases when there is a justified need for it for performing official duties.

(3) In a job advertisement the name and surname of an employer who is a natural entity or the name (firm) and registration number of an employer who is a legal entity, or the name (firm) and the registration number of the recruitment company who is evaluating the suitability of applicants and performing the selection on the employer's behalf shall be specified.

### **Section 33. Job Interviews**

(1) A job interview is an oral or written inquiry prepared by the employer to assess the suitability of applicants.

(2) A job interview may not include such questions by the employer as do not apply to performance of the intended work or are not related to the suitability of the employee for such work, as well as questions which are directly or indirectly discriminatory, in particular questions concerning:

- 1) pregnancy;
- 2) family or marital status;
- 3) a previous conviction, except in cases where this may be of essential importance with respect to the work to be performed;
- 4) religious conviction or belonging to a religious denomination;
- 5) affiliation with a political party, employee trade union or other public organisation; and
- 6) national or ethnic origin.

### **Section 34. Prohibition of Differential Treatment when Establishing Employment Legal Relationships**

(1) If, when establishing employment legal relationships, an employer has violated the prohibition of differential treatment, an applicant has the right to bring an action to a

court within three months from the date of receipt of refusal of the employer to establish employment legal relationships with the applicant.

(2) If employment legal relationships have not been established due to the violation of the prohibition of differential treatment, the applicant does not have the right to request the establishment of such relations on a compulsory basis.

#### **Section 48. Violation of the Prohibition of Differential Treatment when Giving Notice of Termination of an Employment Contract during the Probation Period**

If an employer when giving a notice of termination of an employment contract during the probation period has violated the prohibition of differential treatment, an employee has the right to bring an action to a court within one month from the date of receipt of a notice of termination from the employer.

#### **Section 60. Equal Work Remuneration**

(1) An employer has a duty to specify equal work remuneration for men and women for the same kind of work or work of equal value.

(2) If an employer has violated the provisions of Paragraph one of this Section, the employee has the right to request the remuneration that the employer normally pays for the same work or for work of equal value.

(3) An employee may bring the action referred to in Paragraph two of this Section to court within a three-month period from the day he or she has learned or should have learned of the violation of the provisions of Paragraph one of this Section.