

PAY DISCRIMINATION IS NO GAME, IT IS REALITY.

The pay equality principle guarantees women and men equal pay for equal work or for work of equal value. Employers must assure their employees are paid equally. This applies to all the components of wage or salary and to other benefits.

EQUAL PAY IN CZECH LAW

WHAT IS PAY AND REMUNERATION?

Remuneration includes wage or salary and other employment-related benefits directly or indirectly provided by the employer in cash or in kind (e.g. bonuses, benefits, overtime pay, gifts, retirement plan contributions, commuter checks, meal vouchers, travel or housing allowances, special compensation, severance pay, ...)

WHAT CAN EMPLOYEES DEMAND IF THEY DISCOVER GENDER-BASED PAY INEQUALITY?

Employees can demand that their salary is raised to the same level as their better paid counterpart (who performs the same work or work of equal value for the same employer). They are also entitled to a compensation of the difference in pay for the entire period of time they were underpaid for no justifiable reason.

WHICH LEGISLATION INCLUDES EQUAL PAY GUARANTEES?

- No. 262/2006 Coll., Labour Code
- No. 198/2009 Coll., Anti-Discrimination Act
- No. 143/1992 Coll., on payment and remuneration for work readiness in budgetary and some other organisations and authorities

IN CZECH LEGISLATION, EQUAL PAY IS REGULATED BY SECTION 110 OF THE LABOUR CODE:

(1) All employees employed by one employer are entitled to equal wage, salary or remuneration (as agreed in a contract) for equal work or for work of equal value.

(2) Equal work or work of equal value means work of the same or comparable complexity, responsibility and strenuousness, performed under the same or comparable working conditions with equal or comparable performance efficiency and producing equal or comparable results.

(3) Complexity, responsibility and strenuousness of work shall be evaluated according to the training, experience, and skills required for the performance of the work, taking into account the complexity of the object of the work and of the work itself, the necessary level of organizational and managerial skill needed, the degree of responsibility for damage, occupational health and safety, and the physical, sensory and mental strain (and other negative effects) caused by the work concerned.

(4) Working conditions shall be assessed with regard to the strain caused by working patterns arising from the organization of working hours, e.g. shift work, working on days of rest, at night or overtime,

and considering the levels of hardship, harm or risk associated with the working environment.

(5) Performance efficiency shall be assessed on the basis of the intensity and quality of the work delivered and the worker's abilities and skills. Performance results shall be evaluated according to the quantity and quality of the delivered work.

The Czech Labour Code includes/uses several criteria to assess the value of work: its complexity, responsibility, strenuousness, the same or comparable working conditions, the same or comparable performance efficiency and the results produced.

WHAT CAN YOU DO WHEN YOU ENCOUNTER PAY DISCRIMINATION?

Try to address the situation directly with your employer. Employers are legally obliged to discuss complaints employees may present regarding their rights and duties arising from labour-law regulations. The law also protects employees from being persecuted for their complaints: employers must in no way persecute or discriminate employees who use legal avenues to demand their rights guaranteed to them by the labour-law regulations. You can negotiate on your own or with the help of a mediator (www.amcr.cz).

Report the situation to a State Labour Inspection Office (No. 251/2005 Coll. on Labour Inspection).

You can decide to address your situation through the court system – by filing a complaint. For help with a lawsuit, contact an attorney, a trade union or a NGO specializing in discrimination issues.

WHERE YOU CAN GO FOR HELP:

- your local Labour Inspection Office
- the Ombudsman (www.ochrance.cz)
- your trade union or the Czech-Moravian Confederation of Trade Unions (www.cmkos.cz)
- NGO specializing in discrimination issues (Gender Studies, Poradna pro Obcanstvi/Obcanska a lidska prava)
- an attorney
- the Czech Bar Association
- the Court - request a public defender (and apply for a waiver of court fees)

LEGAL AID AT GENDER STUDIES, O.P.S.

Contact our lawyers using our on-line counseling service at www.rovneprilezitosti.cz or by phone: 224 913 350, 774 913 350, Tuesday 9-11 a.m., Wednesday 2-4 p.m., and Friday 4.30 – 6.30 pm.

GENDER STUDIES, O.P.S.

Gorazdova 20, 120 00 Praha 2
www.genderstudies.cz, office@genderstudies.cz
Project EQ-Train: www.frauenberatung.eu/eq-train

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THE NOVAKS MARRIED 2 CHILDREN BUSINESS MANAGERS

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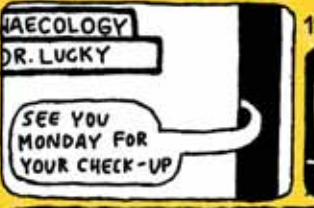
BOTH PARENTS STUDIED CORPORATE FINANCE AT THE UNIVERSITY OF ECONOMICS IN PRAGUE AND STARTED WORKING AS BUSINESS CONSULTANTS AT THE SAME TIME. THEIR CAREERS FOLLOWED SIMILAR TRACKS UNTIL THE MOMENT THEY HAD CHILDREN AND THE MOTHER WENT ON MATERNITY LEAVE.



SEE YOU MONDAY AT THE MEETING



THANK YOU FOR THE DOCUMENTS



GAECOLOGY DR. LUCKY

SEE YOU MONDAY FOR YOUR CHECK-UP



12 MONTHS LATER

WE'RE GOING OUT NOW, AND THEN I GOT MY GERMAN LESSON AT FOUR.



YOU'VE DONE A GOOD JOB IN THE PAST YEAR WELL DONE!

THE FATHER GOT PROMOTED TO HEAD OF CONSULTING. THE MOTHER WAS OFFERED THE POSITION OF THE ASSISTANT TO THE COMPANY DIRECTOR EVEN THOUGH SHE RETURNED TO WORK AFTER ONLY ONE YEAR...

... AND HAD EXPANDED HER PROFESSIONAL QUALIFICATIONS DURING HER LEAVE. REASON: AS A MOTHER WITH CHILDREN, SHE IS NOT GOING TO HAVE TIME TO MAKE A REAL CAREER.



...YES, SIR ... I DO APPRECIATE IT...



PUT THE RESULTS ON MY DESK

THIS IS PAY INEQUALITY.



UNIVERSITY OF ECONOMICS - PRAGUE

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PETRA NOVOTNA, HR MANAGER SINGLE PARENT



PETRA NOVOTNA WORKS AS A HR MANAGER. TOMAŠ HRUBÝ HOLDS THE SAME POSITION. THEY WORK TOGETHER ON MANY PROJECTS AND HAVE APPROXIMATELY THE SAME AMOUNT OF EXPERIENCE. THEY BOTH GRADUATED FROM THE SAME SCHOOL BUT PETRA GRADUATED TWO YEARS BEFORE TOMAŠ. SHE WENT TO WORK RIGHT AFTER THE GRADUATION.



PRONTON

TOMAŠ TOOK A YEAR OFF AFTER COLLEGE AND THEN HE TOOK A JOB WITH THE SAME COMPANY AS PETRA. THEY ARE BOTH FULL-TIME EMPLOYEES. THEY PERFORM EQUALLY WELL AND PUT IN APPROXIMATELY THE SAME AMOUNT OF OVERTIME. NEVERTHELESS, PETRA EARNS 2000CZK LESS THAN TOMAŠ HRUBÝ, BECAUSE THE HEAD OF THE DEPARTMENT FAVORS TOMAŠ WHOSE WIFE IS CURRENTLY ON MATERNITY LEAVE WITH TWO CHILDREN. PETRA IS ONLY BREADWINNER IN HER FAMILY THOUGH. MOREOVER SHE'S A SINGLE PARENT WITH TWO CHILDREN.



SAY HELLO TO YOUR WIFE

IN THE CZECH REPUBLIC THE MAN IS STILL VIEWED AS THE PRIMARY BREADWINNER. DUE TO THIS GENDER STEREOTYPE, PETRA EARNS A LOWER SALARY THAN TOMAŠ AND HER FAMILY IS STRUGGLING FINANCIALLY.

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TOMAŠ JAMBOR SINGLE



JANA NOVAKOVA SVOBODNA

UNIVERSITY GRADUATES



JANA NOVAKOVA AND TOMAŠ JAMBOR GRADUATED FROM THE SAME SCHOOL. BOTH ARE LOOKING FOR THEIR FIRST JOB WITH THE HELP OF A PERSONNEL AGENCY.



HELLO, HAVE A SEAT. HOW CAN I HELP YOU?



OK, IS THAT EVERYTHING? THANK YOU AND HAVE A NICE DAY

BOTH ARE HIRED FOR THE POSITION OF INSURANCE LOSS ADJUSTERS AT THE SAME COMPANY.



THAT WOULD BE JUST RIGHT



YES

JANA AND TOMAŠ ARE HELD TO THE SAME STANDARDS AND EXPECTED TO WORK THE SAME NUMBER OF HOURS. TOMAŠ'S PAY IS HIGHER.

HE WAS MORE SELF-CONFIDENT AT THE HIRING INTERVIEW AND ASKED FOR MORE MONEY THAN JANA. THE EMPLOYER MET THEIR DEMANDS BUT FAILED TO SATISFY THE LEGAL OBLIGATION TO SECURE EQUAL PAY FOR ALL EMPLOYEES.



GARÇON!



WAITER!

HOLD ON

EFFECTS OF A PAY INEQUALITY ON JANA: SHE DOESN'T JUST MAKE LESS MONEY BUT SHE FACES DIFFICULTIES WHEN APPLYING FOR A LOAN OR A MORTGAGE. WHEN SHE FALLS ILL, HER SICKNESS BENEFITS ARE LOWER AND IF SHE HAS CHILDREN, HER MATERNITY BENEFITS ARE GOING TO BE LOWER TOO. THIS LEADS TO FURTHER FINANCIAL PROBLEMS.