Executive Summary for the Czech Republic

Introduction

Since 2002, the labour law has been enriched with many provisions concerning equal treatment. The legal framework for equality and non-discrimination in employment relationships in the Act No. 65/1965, Labour Code fulfils almost all formal requirements of European law. Attention now needs to be paid to the strengthening of the implementing structures and policies, and programs which would bring the *de facto* situation in line with the law. The application of the law by the Czech courts and administrative bodies will have to conform to the case law of the European Court of Justice, which interprets the equality provisions of the Treaty and the Directives.

In terms of legislation, the lack of definitions of direct and indirect discrimination criticized in 2002 has been remedied. A law on occupational pension security and the law on equal opportunities have still not been passed.

The following policies or initiatives recommended in 2002 have not yet been satisfactorily executed:

- support of self-employed female workers;
- measures aimed at increasing women's salaries and wages;
- support of flexible working arrangements;
- increase of women's influence in party structures;
- specific information campaigns and awareness-raising.

The government has commissioned some research and supported further the establishment of gender statistics, to some extent strengthened the institutional mechanisms on gender equality, and dedicated greater financial resources to the administration of gender equality, but the overall funds dedicated to equality are not monitored. Training programs for the judiciary and lawyers recommended in 2002 have also begun. The Judiciary Academy (educational centre for judges) has since the academic year 2003/2004 included the topic of equality of men and women in the seminars on family and labour law. The courses are however taught by legal experts and not gender experts, so their contribution to understanding gender can be assessed as minimal.

Institutional mechanisms

Since 1998 several bodies have been established which are supposed to deal with issues of equality and discrimination of women. Their powers are restricted to report-writing and issuing recommendations; none of them have the power to assign tasks, give

binding directions or effectively inspect other government bodies. None of them have the competence to independently assist victims of discrimination within the meaning of Article 8a of Council Directive 2002/73/EC.

One such mechanism is the Unit for Equality between Men and Women, which was established as the lowest organizational unit of the Ministry of Labour and Social Affairs within its Department for Integration into the European Union following the Government Resolution 6/98. The Unit was established to coordinate the government policies in the field of gender equality and ensure the harmonisation of the Czech legal system with European law. It is also responsible for drawing up the Priorities and Procedures of the Czech Government in Promoting the Equality of Men and Women and writing the periodical Government Reports on the Fulfilment of the Priorities. In addition, it serves as a Secretariat of the Governmental Council for Equal Opportunities for Men and Women.

In October 2001 the Cabinet issued Resolution 1033/2001 by which it established the Governmental Council for Equal Opportunities for Men and Women ("Governmental Council"). The Governmental Council is a permanent advisory body of the government in the area of creating equal opportunities for men and women. The Governmental Council has no executive or supervisory powers. It can make only recommendations to the government, but it influences the ministries through its members who are deputy ministers. The level they are at in the ministry hierarchies allows them to assign tasks to their subordinates, other sections, and to the gender coordinator.

Government Resolution 456/2001 prescribed the creation of one gender focal point at each ministry. At least half the working time of one civil servant should be dedicated to the coordination of equal opportunities. The responsible official (gender coordinator) should bear responsibility for being the contact person for gender-related issues in the field. Most ministries entrusted a clerk in the human resources department with this task.

Cooperation between the government and NGOs is recommended in the Priorities and Procedures of the Czech Government in Promoting the Equality of Men and Women, but followed only by a part of the ministries. It mainly entails using NGO expertise (training courses, NGO brochures and materials, sending documents for comments to the NGOs), and sometimes other ad hoc measures[1]. A more concrete conception of integrating women's NGOs into the activities of the ministries, however, is missing.

A general concern with the institutional mechanisms in the Czech Republic is the limited understanding of the concept of gender, gender stereotypes, gender equality,

[1] *Report on the Fulfilment of the Priorities and Procedures of the Czech Government in Promoting the Equality of Men and Women,* 12th May 2004, http://www.mpsv.cz/scripts/clanek.asp?lg=1&id=696 (accessed 6th July 2004), pp. 17–18.

gender mainstreaming, and equal opportunities. The lack of political will at the top level is a significant obstacle, as is the lack of enumeration of the financial resources that should be dedicated, and that are dedicated to equality.

Policies, programs and awareness raising

The national plan of action, or national gender equality strategy, is called the Priorities and Procedures of the Czech Government in Promoting the Equality of Men and Women. The Priorities are divided into 7 areas:

- promotion of the principles of equality of men and women as part of the government policy;
- legal support for gender equality and raising legal awareness;
- promoting equal opportunities for women and men in access to economic activity;
- balancing social position of men and women caring for children and family members in need;
- considering women from the viewpoint of their reproductive function and physiological differences;
- suppression of violence directed at women;
- monitoring and assessing the effectiveness of promotion of the principle of equal treatment of men and women.

The only national program related to gender so far has been the 2003 National Strategy to combat all Forms of Trafficking in People with the Scope of Sexual Exploitation. To date no measures have been undertaken to reduce the gender pay gap.

In the area of policies, much remains to be desired in substantive as well as procedural aspects. A major area of concern is the procedure of setting the tasks and the evaluation of their fulfillment. Most ministries have not commissioned a specific gender analysis of their departmental agenda. The true implementation of equality, i.e. mechanisms and programs that would target the *de facto* situation, has yet to come.

Research and statistics

The characteristics of the female labour force in 2002 were described by the Czech Statistical Office as follows:

> Employment of Czech women is high – the **economic participation rate** of women aged 15 and older was 51% (69% of men). Every tenth woman was only employed part-time (every thirtieth man was employed part-time). Ten per cent of employed women worked in their own company, whereas the percentage of men was twice as high. Women employed full-time work 5 hours a week less than men, although women who work part-time work 2.5

> hours a week more than men working part-time. The average monthly earning of women is a quarter less than that of men.[2]

Since the fall of communism, the gender wage gap has been growing. The year 2000 was a turning point, but no substantial improvement can be seen.

There is practically no decision-making field in which women are represented more strongly than men; and the government has not taken any measures to remedy this fact.

The percentages of women in decision-making positions[3] in the Czech Republic are as follows:

- Regional presidents and the mayor of Prague (no women at all)
- Top management (eight per cent)
- Senators (12 per cent)
- Banking Board of the Czech National Bank (12 per cent)
- Constitutional Court judges (14 per cent)
- Ministers (after the summer-2004 Cabinet crisis, there are two women in a Cabinet of 18)
- Deputies (17 per cent)
- Deputy ministers (17 per cent)
- Regional authority directors (23 per cent)
- Board of the Supreme Audit Office (24 per cent)
- Supreme Court judges (26 per cent).

Significant segregation of the male and female labour force according to economic sectors exists in the Czech Republic.

Fathers' participation in parental leave schemes has been slowly increasing in the last years, but the gap between the numbers of women and men taking parental leave is still abyssal (the share of men receiving the parental benefit in the years 2001–2003 increased from 0.77 per cent to 0.9 per cent).[4]

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[2] Czech Statistical Office and MLSA, *Women and Men in Data*, 12th December 2003, http://www.czso.cz/eng/edicniplan.nsf/publ/1416-03- (accessed 1st August 2004), p. 18.

[3] Czech Statistical Office and MLSA, *Women and Men in Data*, 12th December 2003, http://www.czso.cz/eng/edicniplan.nsf/publ/1416-03- (accessed 1st August 2004), p. 42.

[4] *Podpora využívání rodičovské dovolené muži* (Supporting men in using parental leave), Institute of Sociology of the Academy of Sciences of the Czech Republic, October 2003, http://www.mpsv.cz/files/clanky/712/pruzkum.pdf (accessed 9th August 2004), p. 24. and following.

Key recommendations

- Government officers at all levels of the administration should be trained on gender issues;
- An evaluation of the fulfilment of tasks should be carried out as a matter of priority, and the process should be given to bodies unaffiliated with their execution;
- Gender should be included as a factor in the creation of the budgets of all institutions;
- An overview of the allocation of funds for gender equality should be made available;
- An equality policy should be established at the regional and municipal levels, and one member of the council should be made responsible for equality, together with the establishment of focal points;
- Trainings and meetings for gender coordinators should be held, and adequate connections to the central government should be established;
- The rules of procedure in government should require a gender analysis for all proposed programs, measures and legislation;
- A mechanism should be secured within the Czech Republic which satisfies the competence required in Article 8a of Council Directive 2002/73/EC;
- The government should create incentives for employers to offer part-time jobs and other flexible forms of work;
- Measures should be introduced to reduce the gender pay gap; for example, employers should be obliged to annually report the overall level of remuneration paid to their employees disaggregated by sex;
- Incentives should be created to support men in the sharing of family responsibilities;
- Measures should be taken to eliminate sex-stereotyped choice in schools, including a revision of all existing textbooks from a gender perspective;
- All ministries should commission a gender analysis of their departmental agenda;
- On this basis, the subsequent formulation of tasks should be elaborated more clearly and in more detail;
- The process of evaluation the fulfilment of tasks should be given to bodies unaffiliated with their execution;
- Specific policies should be complemented with the process of gender mainstreaming; specifically, gender analyses of the fields as the basis for decision-

making, gender education of all government officers, and consultation and coordination of policies from the gender perspective;

- Specific mechanisms should be created to assess the implementation of equality legislation in practice;
- The government should establish structures supporting the implementation of the *Acquis Communautaire* related to equal opportunities;
- In particular, the government should develop programs that promote women entrepreneurs, encourage the sharing of parental leave schemes by both parents, and address the topic of sexual harassment in the workplace;
- In the field of social security the amount of benefit connected to motherhood and parenthood should be levelled;
- Occupational pension schemes should be adopted so as to conform with the principle of equality;
- The retirement age for male and female civil servants must be equalised, as the pension benefit constitutes pay within the meaning of the EC Treaty and case law;
- The MLSA should use commercial channels (for example billboards, TV and radio spots, and banners) for the promotion of equality;
- In particular, campaigns should be developed to:
  - promote laws on gender equality once adopted,
  - fight gender stereotypes in families,
  - promote sharing of family responsibilities and especially support fathers on parental leave,
  - explain the concept of sexual harassment and encourage persons to fight this phenomenon,
  - target employees and inform them of their rights resulting from the principle of equal treatment and how to apply them,
  - target employers and inform them of their obligations.
- The monitoring of litigation in the field of discrimination against women should be done more properly;
- Cases decided by the courts should be publicised by the Ministry of Justice as part of an information campaign on equality.