



Role of Social Dialogue in Fighting Discrimination at Work - International Context

Aleš Kroupa, Renata Kyzlinková, Soňa Veverková

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1. Introduction

This study was commissioned by Asociace samostatných odborů České republiky (hereinafter referred to as ASO ČR). While ASO ČR defined the framework of the study's assignment, the team of authors faced a rather challenging task—namely how to handle the topic of discrimination in a manner which provides the commissioner with new information. Over the past two decades, much has been written about discrimination, be it educational texts, interpretations of anti-discrimination legislation, analyses of judicial verdicts, texts by public advocates (ombudsmans), etc.

In the very first stage, the team rejected the idea of writing a description of anti-discrimination legislation as there was a number of quality texts covering this area already¹. Moreover, anti-discrimination legislation has undergone a significant development in the EU and its individual Member States over the past 50 years and is rather extensive. Thus, it is utterly impossible to address it in a brief, quality manner while taking into account individual grounds of discrimination. The team has also refrained from describing the theory of discrimination, an issue which has already been well-addressed in Czechia before.²

Ultimately, the authors concluded that as the study was commissioned by a union headquarters, it would be for the best to approach discrimination in the context of social dialogue, or rather of ways in which social partner activities can influence anti-discrimination policy on the European and national level, as well as in specific workplaces.

Social dialogue can significantly help cultivate working conditions or the redistribution of privileges, but can also affect areas which are not related solely to employment opportunities. Discrimination of various population groups is one such area. Owing to its structures, social dialogue can thus not only highlight discrimination-related issues, but also contribute to their elimination by means of various measures. As discrimination is often associated with work and the workplace, parties to social dialogue are socially authorised to address these topics even on a more general level, or rather both on the level of more binding documents, i.e. agreements/pacts/guidelines, and of recommendations, good practice manuals, etc. Social dialogue can indirectly help reduce inequality among specific disadvantaged groups of workers, especially in the private sector. Thus, its positive impact spreads and affects solutions to social inequality, e.g. the gender pay gap, which would otherwise remain unaddressed by the regular processes of wage creation. Discrimination in other areas and of other worker groups can be seen as analogous, e.g. in regard to promoting equal treatment during job interviews/recruitment from the perspective of age/gender/sexual orientation, etc.

It is evident that from the legal perspective, social partners have limited options in this respect—they are bound by national legislation which clearly defines the rights and obligations of social partners, including the types of social partner outcomes which are

¹ In Czech e.g. Šabatová et al. (2019), Tomšej (2020) etc., Ombudsman (2020) etc.

² E.g. Čížinský et al.. (2006), Palíšková, (2019).

legally enforceable as per the legislation of specific countries. Therefore, social partners can fight discrimination in the following ways:

- by methodically influencing the legal process and participating in consultations on anti-discrimination laws;
- by addressing the issue of discrimination in collective agreements which are legally binding for the contracting parties in Czechia;
- by raising awareness among their members, employers, employees, and the general public, as well as by providing information on discrimination.

The legislative process is very important but time-consuming. Moreover, it also includes other parties whose goals might not be identical to those of social partners. Collective agreements may be a suitable way of fighting discrimination, however Czechia does not utilise them to their fullest potential³. On the other hand, there is nothing preventing social partners from concluding agreements and memoranda with their partners outside the confines of collective bargaining, creating a binding framework for awareness-raising and educational activities—another way for social partners to respond to new challenges, and not only those related to discrimination. Nevertheless, in order for social dialogue partners to be effectively included in general societal topics, they must possess sufficient skills and knowledge.

Thus, the team of authors focuses mostly on discrimination-related activities of social partners, both on the European level, and on the level of the EU's Member States; on the level of sectors and specific businesses. We mention important activities and enterprises of social partners, attempting to identify examples of good practice. Considering the language barrier, among other things, our list of social partner activities and outcomes is far from exhaustive as many of these activities are, logically, conducted solely in national languages. Nevertheless, the list may serve as an inspiration for national, sectoral, and local social dialogue.

The publication is divided into several chapters, taking into account individual grounds of discrimination as defined by Act No. 198/2009 Coll., on equal treatment and on the legal means of protection against discrimination and on amendment to some other acts (Anti-Discrimination Act)⁴. Each chapter includes data from the 2019 European sociological survey Eurobarometer 2251/493⁵, implemented by the European Commission and focused on the issue of discrimination, as well as data from the 6th European Working Conditions Survey, conducted in 2015⁶ by the European Foundation for the Improvement of Living and Working Conditions (Eurofound). Data from these surveys allows us to put the acquired information into a specific context and compare Czechia with other European countries. This

³ According to Informace o pracovních podmínkách, in 2020 32.3 % of corporate collective agreements contained some kind of clause forbidding discrimination. Most of these clauses, however, were worded in a very general manner.

⁴ The act recognises discrimination on the ground of a person's race, ethnic origin, nationality, gender, sexual orientation, age, disablement, religion, faith, or worldview and citizenship.

⁵ For more information about the survey see Annexe 2.

⁶ For more information about the survey see Annexe 2.

is followed by “examples of good practice”, e.g. social partner activities which address particular grounds of discrimination. Naturally, these activities and their outcomes are always a result of the political, social, and religious situation of particular European countries—thus, it is legitimate to expect that countries with a long-standing experience with e.g. migration have better-developed diversity and non-discrimination policies in this area.

The surveys mentioned above are briefly characterised in the Annexe which also contains the abbreviations and names of institutions⁷ and countries mentioned in the study, represented in tables and charts with two-figure codes for the sake of simplicity.

⁷ The team of authors had to decide how to work with institutions’ names; if they should be left in the original language or English, or translated into Czech. In the end, the team decided to use abbreviations for such institutions whose names are commonly abbreviated (i.e. primarily the European social partner institutions, such as ETUC, HOTREC, etc.), with the list of institutions and their full names, including their websites, provided in the Annexe. In the case of national social partner institutions, we decided to use only the original name and abbreviation; since the team of authors does not speak all of the EU’s official languages, there was a distinct possibility of translation errors. The list of relevant abbreviations, full names, and links to websites is provided in the Annexe so that readers can form their own picture.

2. Perception of discrimination in society

In 2019, a survey conducted by the European Commission as a part of the so-called Eurobarometer project monitored the scope of discrimination in society⁸. Focusing on the Member States inhabitants aged 15 and above, it observed the perception of discrimination on the grounds of age, disability, ethnic origin, religion/faith, sexual orientation, transgender and intersexual orientation, gender, political views, social class, physical appearance, Roma ethnicity, or other, unspecified reasons by inhabitants of the EU's Member States. For the purposes of this study, we selected eight forms of discrimination from the list provided above, giving preference to those which more or less corresponded with the grounds of discrimination stipulated in the Czech Anti-Discrimination Act (see Table 2.1).

Table 2.1 **For each of the following types of discrimination, could you tell me whether in your opinion, it is very widespread or fairly widespread in your country? (the total of “very widespread” and “fairly widespread” answers expressed in %)**

Country	Age	Disability	Ethnic origin	Faith/ religion	Sexual orientation	Transgender orientation	Intersexual orientation	Gender
NL	44	47	76	50	60	54	34	33
FR	54	63	74	69	73	57	43	52
BE	46	51	71	65	57	49	40	43
SE	42	45	70	56	42	57	34	39
DK	25	30	67	61	41	39	23	21
PT	52	58	67	41	71	59	55	37
UK	51	52	67	61	55	56	2	44
IT	46	50	66	48	69	66	58	39
FI	37	40	65	29	42	45	32	23
EL	50	53	64	50	70	57	54	34
EU28	40	44	59	47	53	48	39	35
AT	37	45	58	47	46	48	43	36
CY	40	46	57	48	67	54	52	34
DE	20	29	55	43	36	31	24	23
ES	40	39	54	40	54	58	47	36
IE	37	41	54	42	48	50	39	32
HU	41	45	52	31	45	34	27	33
MT	28	29	51	37	38	42	37	25
RO	49	50	44	43	45	34	33	44
HR	37	38	41	40	52	38	37	32
CZ	40	34	38	24	34	23	24	26
SI	32	31	38	33	47	40	33	26
EE	35	32	35	17	34	24	16	27
PL	26	28	34	29	49	42	35	20
LU	23	19	31	25	27	23	17	22
BG	25	34	29	20	29	23	22	16
LV	40	37	25	12	30	20	17	20
SL	22	21	24	13	25	20	19	17
LT	45	37	18	15	50	26	28	22

Source: Eurobarometer 2251/493, 2019; compiled by the authors

⁸ Eurobarometer is a series of sociological surveys commissioned by the European Commission's Public Opinion Survey section. It includes regular reports on public opinion on various issues EU-related issues.

Results of the survey show clear differences between individual EU states, with **age** discrimination being, according to the respondents, most widespread in France, Portugal, the United Kingdom, and Greece. **Disability** discrimination is perceived to be very widespread in the same countries, i.e. France, Portugal, Greece, and the United Kingdom. Discrimination based on **ethnic origin** is perceived as very widespread by respondents in the Netherlands, France, Belgium, and Sweden; based on **faith** in France, Belgium, Denmark, and the United Kingdom. According to the respondents, discrimination on the basis of **sexual orientation** is very widespread in France, Portugal, Greece, and Italy; on the basis of **transgender orientation** in Italy, Portugal, and Spain. Discrimination on the ground of intersexual orientation is the most common in such countries as Italy, Greece, and Portugal. Finally, **gender** discrimination was common the most in France, the United Kingdom, Romania, and Belgium.

Table 2.2 **Answers to the question: In the past 12 months have you personally felt discriminated against or experienced harassment on one or more of the following grounds? Please tell me all that apply (answers expressed in %)**

Country	Age	Disability	Ethnic origin	Faith/ Religion	Sexual orientation	Transgender orientation	Intersexual orientation	Gender	Felt discriminated, in total
AT	4	5	4	5	4	3	4	7	27
SE	10	2	2	2	1	1	0	11	26
BE	7	3	5	3	2	0	1	5	24
LU	4	2	3	1	0	0	-	7	22
FR	6	2	2	3	1	0	0	6	21
UK	5	4	3	3	1	0	0	6	21
NL	8	2	2	4	1	-	-	5	20
CZ	7	2	1	1	1	0	0	4	19
HU	5	1	2	2	1	2	1	2	18
EU28	4	2	2	2	1	1	0	4	17
EE	5	2	5	2	0	0	-	3	17
DE	4	1	2	1	1	-	0	4	16
IE	3	2	2	2	1	0	0	3	16
HR	6	1	1	2	1	0	0	2	16
RO	3	2	1	2	1	1	0	2	16
FI	7	1	0	2	0	-	0	5	16
DK	4	2	2	1	1	-	-	3	15
IT	3	2	1	2	1	2	1	2	15
LV	6	1	2	1	0	-	-	3	15
SL	3	1	2	1	1	0	0	1	15
CY	2	2	2	1	0	-	-	3	13
PL	2	2	2	2	1	1	1	2	13
ES	2	1	1	0	1	0	0	3	11
BG	3	1	2	0	0	0	0	1	10
LT	5	2	0	0	0	-	-	1	10
SI	2	1	1	2	1	0	0	2	9
MT	1	1	-	1	1	-	-	1	8
EL	2	1	0	1	0	0	0	2	7
PT	2	0	0	0	0	-	-	1	6

Source: Eurobarometer 2251/493, 2019; compiled by the authors

Note: Hyphenated cells indicate insufficient data.

Table 2.2 shows respondents' personal experience with one or multiple forms of discrimination. As was the case with estimates and vicarious experiences of discrimination, so too is personal experience with discrimination typically concentrated in the "old" EU countries. As evident in the table, **age** discrimination is, according to the respondents, the most widespread in Sweden, the Netherlands, Belgium, Finland, and Czechia. Discrimination on the ground of **disability** is experienced the most frequently by respondents from Austria and the United Kingdom; on the basis of **ethnic origin** by respondents from Belgium and Austria. **Religious** discrimination was mentioned the most in Austria, the Netherlands, Belgium, France, and the United Kingdom. Discrimination on the ground of **sexual and transgender orientation**, along with discrimination based on **intersexual orientation**, was mentioned the most by respondents in Austria. And finally, personal experience with **gender** discrimination was alleged most often in Sweden, Austria, and Luxembourg. In Czechia, ca one fifth of citizens aged 15 and above had experienced some form of discrimination over the previous 12 months. This is slightly above the EU average, with the Austrian population being exposed to discriminatory behaviour the most.

2. 1 Adverse social behaviour and discrimination at work

So-called inappropriate, harassing behaviour exhibited by colleagues or superiors is a breeding ground of workplace discrimination. Inappropriate behaviour and discrimination itself were the focus of the Eurofound (2017) study. According to this study, 12 to 16 % of respondents (employees and the self-employed) claimed to have encountered some kind of inappropriate behaviour in the workplace. The study is based on the outcomes of the 6th European Working Conditions Survey which was held in 2015 and included interviews with respondents from 28 EU Member States, 5 EU candidate countries (Albania, Macedonia, Montenegro, Serbia, and Turkey), and respondents from Switzerland and Norway. The survey measured inappropriate behaviour using an index composed of two sets of questions. The first set contained four questions inquiring whether respondents have faced verbal attacks (12 % of respondents), unwanted sexual attention (2 %), threats (4 %), or humiliating behaviour (6 %) over the previous month, with 12 % of respondents alleging at least one form of inappropriate behaviour. The other set contained three questions and focused on whether or not the respondents faced physical violence (2 %), sexual harassment (1 %), or bullying or harassment (5 %) in the workplace over the previous year, with 16 % of respondents alleging at least one of these options.

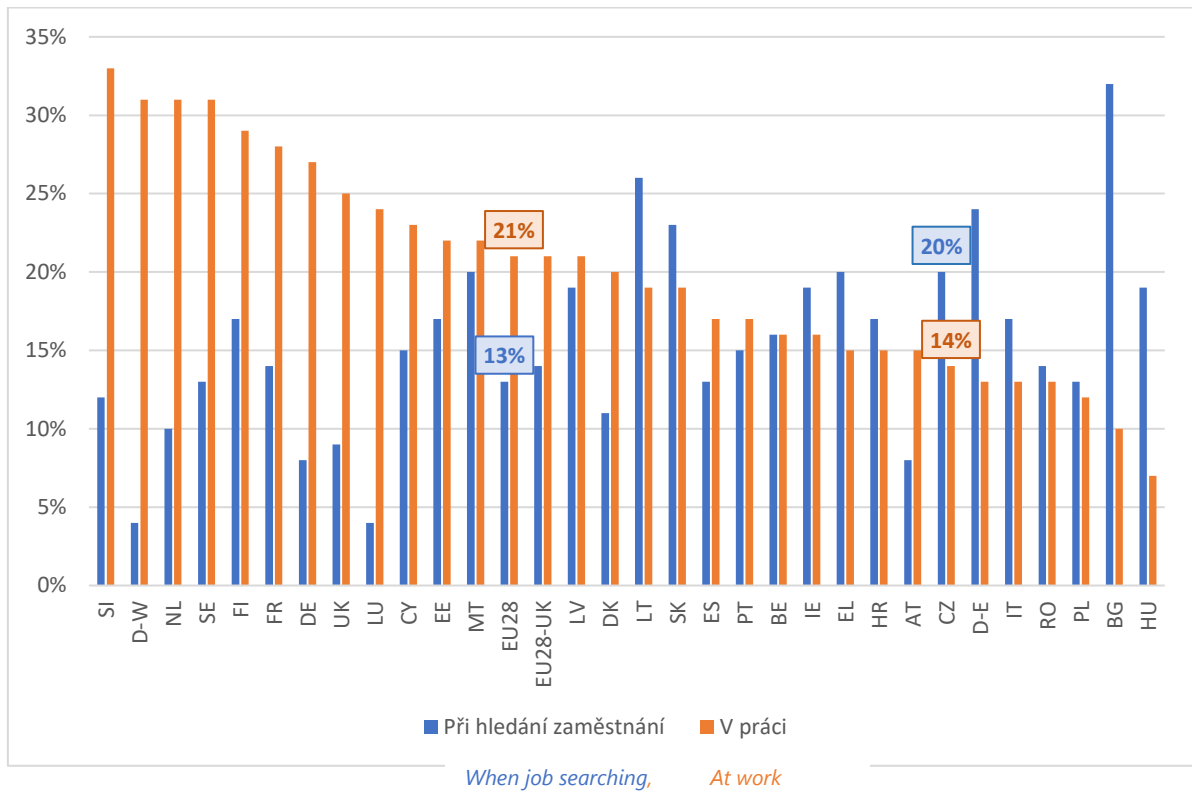
Looking at the answers from the perspective of the respondents' status, we find that 17 % of employees and 10 % of the self-employed have encountered inappropriate behaviour in the workplace. In terms of demographics, so-called inappropriate behaviour is alleged more often by women (18 %) than men (16 %). From the sectoral point of view, the monitored behaviour (with the exception of threats) was detected most frequently in health care social services, then in public administration and transportation. Conversely, this type of behaviour was detected the least in agriculture. As evident, inappropriate behaviour is more common in the public than in the private sector. In regard to the incidence of

inappropriate behaviour in individual countries, Czechia's 16 % place the country slightly below the European average (ca 17 %). The lowest rate of inappropriate behaviour was detected in Portugal (ca 4 %); the highest in the Netherlands (ca 27 %).

In respect to discrimination in the workplace, according to Eurofound (2017) 7 % of respondents stated that they have felt discriminated due to their age (3 %), gender (2 %), race (2 %), and nationality (2 %) within 12 months of the inquiry. Discrimination on the ground of nationality, disability, or sexual orientation was alleged by 1 % of the respondents, respectively. In terms of socio-demographic characteristics, discrimination was more frequently encountered by young workers, women in middle management, and workers with fixed-term employment contracts. Cases of discrimination were also detected more frequently in businesses undergoing restructuring and lay-offs.

That workplace discrimination is somewhat common in the EU countries is also clear from the fact that according to the outcomes of the Eurobarometer 2251/493 survey, 21 % of respondents highlight their workplace as a place or situation where the last case of discrimination occurred. Besides the working environment, the respondents could choose from nine other situations, places, and people (e.g. interest in a new job; interest in renting or purchasing a house or flat; restaurant; shop; public space; educational facility; discrimination by health- or social care workers; and other, unspecified situations, places, or people). Workplace as a place of discrimination was most commonly chosen in Slovenia (33 %), Sweden (31 %), Finland (29 %), and France (28 %). Conversely, the respondents experienced workplace discrimination the least in Hungary (7 %), Bulgaria (10 %), Poland (12 %), and Romania (13 %). In Czechia, 14 % of the respondents selected workplace as the place where the last case of discrimination occurred, a below-average value when compared with the EU28 average. On the other hand, the countries of the former Eastern Bloc most commonly experience discrimination when looking for a job (Bulgaria, former East Germany, Czechia, Slovakia, Lithuania, Latvia) (see Chart 2.1).

Chart 2.1 Discriminatory environment: where the discriminated-against encounter discriminatory conduct



Source: Eurobarometer 2251/493, 2019; compiled by the authors

3. Gender discrimination

3.1 Gender discrimination—context

Act No. 198/2008 Coll., on equal treatment and on the legal means of protection against discrimination and on amendment to some other acts (Anti-Discrimination Act), understands gender discrimination both as a different treatment of men or women, and as a different treatment of women on account of their pregnancy or maternity. Cases where a man is punished for performing his fatherly duties also constitute gender discrimination, as do those involving discrimination on the ground of sexual identity, i.e. discrimination of those who have officially changed their gender or who do not identify with their biological sex or those who do not identify with any of the genders. The literature sometimes considers gender discrimination to include discrimination on the ground of sexual orientation, though the Czech legislation views this type of discrimination as a separate legal ground (Tomšej, 2020). For the purposes of this text, gender discrimination will be restricted to different treatment of men and women. Discrimination of people who have changed their gender or do not identify with their assigned gender, as well as discrimination on the ground of sexual orientation, is addressed in Chapter 7.

According to Table 2.1 (Chapter 2), gender discrimination is the least alleged ground of discrimination, right after age discrimination. Since the adoption of the European Convention of Human Rights in 1950 and of European regulation in the 1970s⁹, equal opportunities for men and women, as well as gender discrimination, became a mainstream topic with a broad agenda. Over the years, however, the topic ran out of steam and was replaced by new ones, such as discrimination on the ground of sexual orientation or ethnic origin. According to Eurobarometer 2251/493 (2019), 35 % of the EU population and 25 % of the Czech respondents consider gender discrimination to be very widespread or fairly widespread (Table 2.1, Chapter 2). On the other hand, only 4 % of the EU population and 4 % of the Czech population alleged a direct experience with this type of discrimination (Table 2.2, Chapter 2). In terms of frequency, this single survey shows a large discrepancy between one's notion of the widespread nature of certain social phenomena, and actual experience. Also, gender, along with age, was listed as a more frequent ground of discrimination when the respondents commented on discrimination they actually experienced, with grounds which were viewed as more widespread "society-wide" taking a back seat when actual experience was considered.

We will also try to ascertain from which social groups those who shared their ideas on the prevalence of gender discrimination as a part of the survey come in Czechia. As already stated, 26 % of the Czech inhabitants aged 15 and above were convinced gender

⁹ Council Directive No. 75/117/EEC on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women, and Council Directive No. 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions.

discrimination was prevalent, while 69 % of the inhabitants believed this type of discrimination was rather rare in Czechia. The undecided respondents make up the rest. That the monitored discrimination is prevalent is a belief held more often by the 45–54 age group (31 %), manual workers (35 %), and naturally by those who maintain friendly relationships with members of other ethnic or sexual minorities (30–45 %) or consider themselves to be their members (39–67 %). Regionally speaking, this opinion is more common in the so-called NUTS II regions in central and south-western Bohemia and in the Moravian-Silesian Region (35 % in all three), as well as in central Moravia (32 %).

The number of those who experienced discriminatory behaviour in Czechia is so small (4 %) that it is not possible to ascertain with sufficient certainty in which social groups the phenomenon is the most prevalent when compared to the general respondent population.

The Eurobarometer 2251/493 (2019) survey also allows us to estimate the attitude of employers to preventing gender discrimination, or rather how they promote diversity in the workplace, specifically in terms of equal treatment of men and women. Moreover, answers to the question which inquired into the quality of employee selection in regard one gender being favoured at the expense of another make it possible for us to infer the state of corporate culture in the individual countries.

Do employers promote diversity in the workplace? The percentage of positive answers differs greatly in individual EU states. The EU average is 66 % positive answers while Czechia has 57 %. According to the respondents, diversity in the workplace is promoted the most by employers in the United Kingdom (81 %), Sweden (80 %), Belgium (78 %), and Denmark (77 %). Conversely, the opposite end of the spectrum is occupied by employers in Poland and Bulgaria (45 %), Estonia (49 %), and Romania (51 %). With their 52 % and 53 %, respectively, Italy and Portugal rank at the bottom with the Central-Eastern European countries.

The state of corporate culture in regards to the hiring of new employees was evaluated by the respondents by taking into account factors (the candidate's accent, name, address, skin colour, ethnic origin, gender) which might privilege one candidate at the expense of the other if both have the exact same skills and qualifications. The following table shows how much the respondents believe being a man or woman might be relevant to the outcome of an employee selection procedure, with individual countries sorted by the degree to which a candidate's selection is affected by their gender (man or woman) as opposed to their skills and qualifications.

According to the respondents, whether or not a job candidate is successful is more likely to be determined by their gender in the countries listed at the beginning of table 3.1 (Spain and Portugal, followed by such former Eastern Bloc states as Estonia, Latvia, Croatia, and Lithuania). Conversely, this factor is the least relevant in Belgium, Denmark, and France. Czechia ranked slightly above the European average.

Table 3.1 In your country, when a company wants to hire someone and has the choice between two candidates with equal skills and qualifications, which of the following

criteria may, in your opinion, put one candidate at a disadvantage? (answers expressed in v %)

Country	Name	Address	Way of speaking or accent	Ethnic origin	Skin colour	Being Romani	Gender	Weight
ES	6	6	19	33	36	39	36	21
EE	7	6	27	25	28	23	29	20
LV	2	4	21	14	17	30	21	19
HR	16	4	15	26	21	40	29	19
LT	3	4	19	10	18	41	21	18
PT	3	3	19	26	31	30	24	18
SI	23	13	20	29	31	57	35	17
LU	18	9	29	21	23	29	26	17
SL	6	3	15	20	27	39	22	17
RO	8	8	26	13	15	25	18	16
BG	5	2	17	23	17	34	18	16
IT	6	6	27	18	24	36	21	15
UK	15	15	35	28	31	27	27	15
PL	4	5	18	15	23	25	16	15
CZ	5	7	31	27	37	46	27	15
AT	24	15	44	43	47	38	35	14
EU28	19	12	33	32	37	38	28	14
EL	5	3	36	37	34	64	28	14
DE	25	16	39	37	43	39	31	14
MT	5	5	23	29	36	25	19	13
CE	10	3	36	27	34	48	24	13
FI	33	7	37	56	57	74	40	13
HU	10	7	18	28	38	55	23	13
SE	58	20	65	51	50	57	44	13
IE	17	26	31	25	28	35	23	12
NL	48	21	59	64	56	41	40	12
FR	44	26	49	45	56	47	35	12
DK	37	17	42	49	40	44	30	12
BE	30	8	37	47	51	41	23	10

Source: Eurobarometer 2251/493, 2019; compiled by the authors

3.2 Social partner measures against gender discrimination

In the previous pages, we referred to two surveys to demonstrate how prevalent discrimination is believed to be in society and in the workplace. Furthermore, we used the surveys' outcomes to show the prevalence of people having experienced workplace discrimination, the public's perception of employers' efforts to introduce so-called workplace diversity, and the effectiveness of hiring measures as perceived by the respondents. Now we will focus on the views of social partners regarding workplace discrimination, meaning whether or not collective agreements impose relevant obligations, and if they do whether there are measures, programmes, and joint agreements aiming to reduce or eliminate workplace discrimination, etc.

First, we will take a look at what options social partners have in terms of enforcing their recommendations and agreements on both the European and national level. In 2005, the main European social partners, i.e. UNICE, UEAPME, and CEEP on behalf of employer organisations and ETUC on behalf of union organisations, established a so-called Framework of Actions on Gender Equality¹⁰. In this document, the social partners set the following four priorities—to address the roles of men and women; to promote women to the decision-making process; to promote work-life balance; and to address the gender pay gap. With this document, the parties simultaneously ask national social partners to take steps aiming at fulfilling these priorities. This Framework of Actions was then followed by so-called progress reports which monitored the degree to which the stated goals had been fulfilled. The European and national social partners associated in the organisations mentioned above are tasked with regularly reporting on their activities in this area. Furthermore, the Framework of Actions usually initiates other follow-up activities on the part of European and national social partners. This usually equals joint statements, manuals or good practice implementation handbooks, project reports, partner agreements, or even social partner framework agreements. Such documents are an outcome of sectoral social dialogue and apply to particular sectors of the national economy, with their conclusions and recommendations being reflected on the national or rather corporate level. According to the Social Dialogue Texts Database¹¹, such texts have been noted in 9 of the 44 registered sectors of the national economy, namely rail transport, road transport, telecommunications, textile industry, sea transport, local government, central government bodies, the audio-visual sector, and retail.

In the railway sector, the employer association CEr and European union organisation ETF signed Joint Recommendations for a better representation and integration of women in the railway sector¹² in 2007, with the signatories undertaking to gradually increase the representation of women. The document's adoption was preceded by analyses of the situation of women employed in various rail way professions. The document has four parts—in the first part, the social partners take on a number of commitments regarding, for instance, initiation of a corporate culture which respects women in the working process, introduction of equal opportunity principles in work organisation and company employee policies, evaluation of the degree to which personnel processes grant women a non-discriminatory access to education and leadership roles in companies, etc. The second part includes specific recommendations aimed at improving the current condition, consisting for instance of cooperating with schools to encourage female students to choose a technical profession, introducing flexible forms of work and working hours to promote work-life balance, or providing women with the option of developing their qualifications. The third part obliges the signatories to introduce measurable goals and regularly evaluate changes.

¹⁰ Full text in Czech available on e.g. the website of the Svaz průmyslu a dopravy České republiky, https://www.spcr.cz/cz/eu/esd/esd_rovne_prilezitosti.pdf

¹¹ See the website of the Directorate General Employment, Social Affairs & Inclusion, <https://ec.europa.eu/social/main.jsp?catId=521&langId=en&day=&month=&year=§orCode=SECT02&themeCode=&typeCode=&recipientCode=&mode=searchSubmit&subscribe=Search>

¹² Document in English available on <https://ec.europa.eu/social/main.jsp?catId=521&langId=en&agreementId=5169>

In the fourth part, the social partners agreed to conduct a study evaluating the observance of agreed measures within three years of the document's signing, and then a study assessing ongoing changes when compared with the analysis preceding the signed document (see below). The document's signing initiated a variety of actions concerning women in the railway sector, both on the level of the European, and national social partners, as well as employers themselves. These were information campaigns on the sectoral and corporate level, and various social events such as presentations for the managing bodies of social partner associations and thematic committees, seminars, conferences, etc. These activities established a network of those interested in the issue of equal opportunities and of anti-discrimination measures, educational and requalification programmes for women in businesses, business programmes aiming to achieve a work-life balance, and programmes aimed at recruiting girls into businesses. In the years following the documents' signing, so-called equal opportunity committees were established on the corporate level. For instance, the Italian Ferrovie dello Stato Italiane carrier set up 15 such committees, with union and employer representatives enjoying parity representation.

The 2007 initiative was followed with Joint Recommendations for a better representation and integration of women in the railway sector; Status and how to apply the Joint Recommendations¹³. This 2010 document stated that the issues of equal opportunities and discrimination prevention had been reflected in sectoral collective agreements in Germany and Italy. In Romania, it was implemented in the corporate collective agreement concluded by the Romanian national carrier Căile Ferate Române and Hungarian-Austrian carrier Raaberbahn AG. A number of carriers underwent a certification process whose criteria included, among others, adherence to the principles of gender equality, taking into consideration the state of business measures aimed at reducing discriminatory behaviour. This process was conducted by independent national or international entities; in Czechia, the citizens' association Gender Studies served as the certification authority.

A good practice implementation handbook (see Heckl, E., Pecher, I., 2012) was another initiative inspired by the signing of the document mentioned above. The authors were inspired by the experience of such carriers as Deutsche Bahn (Germany), SNCF (France), PKP (Poland), Schweizerische Bundesbahnen – SBB (Switzerland), or vehicle manufacturers, e.g. Daimler (Germany), with introducing women recruitment measures into traditionally male professions; with measures promoting a work-life balance; or with career development and equal remuneration programmes. Thus, the material introduces readers to successful business practices, e.g. Daimler's programme for developing diversity or the recruitment practices of Swiss federal railways, aimed at hiring women as train drivers. The material also describes gender equality policies of businesses aimed at eliminating gender stereotypes, resulting in these businesses becoming more open to women.

Joint efforts of social partners to promote the issue of equal opportunity, greater representation of women among employees, and reducing discrimination led to further negotiations which in June 2021 resulted in the conclusion of an interim partnership

¹³ Document in English available on <https://ec.europa.eu/social/BlobServlet?mode=dsw&docId=8870&langId=en>

agreement between CER and ETF regarding the conclusion of another binding agreement on the EU level, aimed at promoting the employment of women in the railway sector. The agreement's goal is to attract more women into the sector, provide them with more protection, and guarantee equal treatment by adopting such measures as work-life balance procedures, career development for women, equal remuneration, occupational health and safety, and last but not least preventing sexual harassment and sexism (CER, ETF, 2021).

Similarly to the railway sector, the electricity supply sector saw the 2003 signing of the Joint Declaration of the Union of the Electricity Industry EURELECTRIC and EPSU/EMCEF on Equal Opportunities and Diversity¹⁴. The conclusion was preceded by analyses of the issue of discrimination and equal opportunity observance in the workplace. However, the declaration itself serves merely as a recommendation and does not oblige the signatories to set measurable goals or regularly make sure these are observed. It also does not contain commitments aimed at conducting studies which would evaluate the current state of the recommendations' implementation. The declaration's text focuses on promoting men and women in untraditional working roles, on education and professional development, work-life balance, equal remuneration, or measures against sexual harassment. Unlike the railway sector, the declaration placed an emphasis on aging population, highlighting the sector's workers, and on work organisation which should embrace these recommendations.

The declaration was followed with Equal Opportunities and Diversity – Changing Employment Patterns in the European Electricity Industry (Fairbrother a kol., 2004). Based on this report, the Equal Opportunities and Diversity Toolkit/Best Practices Guide (Pillinger, 2006) was created, using examples from a number of European companies (e.g. ESB from Ireland, Enel from Italy, Endesa from Spain, Vattenfall from Sweden, Statkraft from Norway, Energie E2 from Denmark, United Utilities from the United Kingdom, Empower Training Ltd. from the United Kingdom, EON and DEMASZ from Hungary) to show how to improve women's working conditions in the working process.

In the 1990s, the European social dialogue introduced Czech social partners to a variety of new topics which were not easy to implement in the national environment. This applied primarily to the most important part of social dialogue, i.e. collective bargaining. Compared with the traditional focal points of contracting parties, the issues discussed by European social partners were viewed as too removed from the Czech environment. Still, social partners managed to handle European topics over time. In their programme documents, top Czech social partners have long embraced anti-discrimination measures (ČMKOS), including recommendation to their members. As early as in 2004, for instance, ruling No. 162 of ČMKOS obliged their associations to make anti-discrimination measures one of the goals of collective bargaining, and tasked them with monitoring such collective agreement commitments which concern preventing and reducing all forms of discrimination (ČMKOS, 2020). In the same internal document, ČMKOS annually obliges its member associations to strive for the elimination of different remuneration of men and women as one of the goals of collective bargaining.

¹⁴ Document in English available on <https://ec.europa.eu/social/main.jsp?catId=521&langId=en&agreementId=22>

Like social partners abroad, the local social partners participate in projects emphasising equal opportunities, equal remuneration, and anti-discriminatory behaviour. Rovnost žen a mužů na trhu práce se zaměřením na (ne)rovné odměňování žen a mužů was one such project; in 2020, it led to the creation of a so-called social partner position report entitled Sociálním dialogem k rovnému odměňování žen a mužů (MPSV, 2020) which maps the causes of differences in remuneration and introduces applicable legislative tools, especially to satisfy the needs of collective bargaining. Moreover, it presents specific applicable proposals for contractual relationships in collective agreements, concerning both equal remuneration and hiring, as well as professional development, career advancement, and work-life balance. The last part includes examples of good practice from abroad.

We can glean some knowledge on anti-discrimination commitments in collective agreements from „Informace o pracovních podmínkách“, published annually by TREXIMA spol. s.r.o. According to this document, such commitments were specified in 32 % of agreements in the private and 19 % in the public sector. Over the past five years, there have been minimal changes in the number of such agreements, amounting ca to +/- 2%. In 2007 when this indicator began to be observed in collective agreements, commitments to equal treatment and discrimination bans were present in 15.9 % of collective agreements.¹⁵ In 2020, similar commitments were included in 4 out of the 16 effective higher class agreements (ČMKOS, 2020).

In terms of scope and frequency, activities of the Czech social partners cannot be compared with those of the European ones, but as the data from the working conditions overview shows, there is an upward trend in regards to the implementation of commitments governing equal treatment and anti-discrimination measures in collective agreements. Also, the fact that some European topics, including discrimination or rather protection of certain disadvantaged groups of workers, are contained in collective agreements does not necessarily mean that European incentives are being implemented¹⁶. Provisions concerning these topics have long been included in commitments made as a part of collective bargaining in Czechia.

This assessment corresponds with Czechia's inclusion in a group of countries where, as per a 2014 study by Eurofound, only one social partner party is active, i.e. unions making commitments in the area of gender equality, while the other party, i.e. employers, treats such topics as a marginal phenomenon. In Czechia, as well as in Hungary, Lithuania, the Netherlands, Romania, Slovakia, and Slovenia, unions have embraced gender equality commitments in their strategic documents. These policies focus on reducing differences in remuneration and on strengthening the work-life balance of employees. A number of union headquarters, e.g. in Slovakia, have set up action committees whose goal is to promote and implement these policies. Another group comprises countries, primarily older EU members,

¹⁵ Collective agreements originate mostly from union organisations associated in ČMKOS, the largest union headquarters in Czechia. There are other headquarters besides ČMKOS, as well as independent union associations and organisations of whose collective agreements the information system described above provides no information. Also, not all union organisations associated in ČMKOS send information to the system (19 out of 32).

¹⁶ For example, adjusting working hours to accommodate employees' family needs, etc.

where both social partners have long tended to participate in the formulation of policies of gender equality. The countries differ mostly in the degree to which social partners enforce these policies. The third group includes countries where gender equality is not considered to be a priority by social partners and whose social partners have adopted no relevant specific measures although they are aware of the importance of gender equality. This category groups Bulgaria, Estonia, Latvia, and Poland (Eurofound, 2014).

3.3 Examples of good practice regarding gender discrimination

3.3.1 Deutsche Bahn—thematic collective agreement aiming to promote equal opportunities, prevent working parents from being discriminated, and help employees return to work after a maternity leave or while taking care of a relative¹⁷

In 2010, an agreement was concluded between the employer and an employee council in order to achieve a better work-life balance of employees. The agreement has two parts—the first part regulates the process of workers returning back to work after a period of maternity or parental leave, while the second part includes stipulations promoting their return to work after a period of taking care of a relative.

The first part of the agreement concerns the following four topics which are a subject of negotiations and possible arrangements between the employer and employee:

- **Personal planning:** During a period of paternity leave, three interviews are conducted with the employee to improve personal planning. The first one takes place before the leave, the second during the leave, and the third before its conclusion. These are structured interviews; the third one focuses mostly on the employee's requirements regarding working hours. Additionally, the employee supplies information as to the manner in which care is provided to their children and whether or not the employee will need the company's support in this respect;
- **Employee support:** The employer is responsible for introducing measures which were agreed with the employee during the interview and must inform the employee about any ongoing changes concerning the technologies being introduced as well as any related qualification requirements and other changes in organisation, including those related to support measures for employees—parents and their children;
- **Qualifications:** During a period of statutory child care, the employee is enabled to improve their professional education, i.e. take part in corporate educational events where all related expenses are borne by the employer;

¹⁷ Compiled from Heckl, Pecher, 2012.

- **Workplace, remuneration, working hours:** The employee always returns to work in accordance with their original employment contract. Their job is kept for them for three years at the most. Early return is possible. Part-time work or work from home are supported once the employee returns to work.

Regarding care for family members (the disabled, seniors), the caring workers have the option of part-time work, limited overtime, work from home, and other forms of flexible working hours. In the short term, the employee can take an unpaid leave in order to provide care to their family member. The employer supports the employee's use of external care services. In respect to education, same rules apply to caring employees as to those on a maternity or paternity leave.

If there is a conflict concerning the agreement's interpretation, the parties agree to set up a committee consisting of two employer and two employee representatives to resolve any conflicts.

3.3.2 Applying gender equality principles to Europe's electricity supply sector¹⁸

Many companies in the energy sector have come to realise that introducing principles of equality to businesses does not only fulfil ethical principles and European norms, but also gives firms a competitive advantage, especially when it comes to hiring new employees and keeping existing ones. Moreover, a number of studies have demonstrated that supporting a work-life balance, emphasising women's career development, and introducing principles of equality has a positive effect on the motivation and loyalty of employees and indirectly on the business' productivity. Furthermore, some companies (Vattenfall, Sweden) believe that their employee structure should in many respects reflect, at least partially, the social structure of the company's customers. To this purpose, businesses hire employees with knowledge of different languages and cultures so that they would be able to supply services to customers from different environments.

Vattenfall, Sweden

Vattenfall associates its future ability to generate profit with qualified employees, however these can be hired and kept only if the principles of equality and diversity are applied, primarily where age, gender, and ethnic origin are concerned. The company also strives to increase the percentage of women occupying positions of leadership. The goal is to achieve equal representation of women in leadership positions so that it is equal to the representation of women among employees in general, i.e. 25 %. For this purpose, the company provides training to those conducting job interviews so that they are able to apply the equal opportunity principles when engaging in a job interview with an applicant. The business also strives to make sure there is always at least one woman applying. It set up a

¹⁸ Compiled from Pillinger, 2007.

so-called general committee for equality, replaced by committees in individual factories over time.

Based on consultations with the business' union organisation, so-called action plans are formulated annually to address the issue of equality. Individual factories have commissions consisting of company management and union representatives who oversee the fulfilling of these action plans. The business' union organisation views gender equality as a priority and has included it in all of its implementation and concept materials.

Statkraft, Norway

Equality and diversity have long been a part of Statkraft's business culture. The company supports union activities and the relationship between unions and management has long been consensual in nature. According to an annual report¹⁹, the company promotes diverse working environment, as well as the principle of equal treatment in its personnel and recruitment policy. It strives to increase the percentage of employees with a multicultural awareness and achieve equal representation of men and women in managerial positions. This goal is shared by unions, the company's executive management, and its managing board. The management aims to recruit at least as many women into positions of leadership as is their overall representation among the firm's employees (21 %). For this purpose, the company uses various trainings and practical internships. It also relies on the experience gained from a research project aimed at determining specific measures which would result in a balanced representation of men and women in managerial positions in many Norwegian businesses.

Under the umbrella of achieving a work-life balance, the company introduced a system of flexible working hours, along with work from home, to accommodate parents with children. The company has no specific agreements on gender equality. Its personal policy, formulated with the aid of unions, is based only on the general national legislation concerning this area.

¹⁹ Statkraft, Annual Report 2013. Available on <https://www.statkraft.com/globalassets/0/.com/investor-relations/reports-and-presentations/2004-2013-reports-and-presentations/statkraft-annual-report-2013-en.pdf>

4. Age discrimination

4.1 Definition and general starting points

Aging population and the rising age of workforce has long been a subject of debate both on the European, and national level, Czechia included. The fact that increasingly more European employees are classified as senior workers creates a number of challenges in terms of employment and social policy, primarily when it comes to funding pension schemes and healthcare systems. Currently, the retirement age is fixed at 65 though there are proposals to raise it even more. The public debate increasingly features the issue of adapting and maintaining the working potential of elderly workers on one hand, and the persisting stereotypical views of elderly workers, as well as discriminatory behaviour targeting the age of individuals, on the other. This leads to the exact opposite of the desired outcome, i.e. early departure of individuals from the labour market. Nevertheless, in recent years there have been clear efforts, inspired primarily by the pressure of the unavoidable process of population aging and harmonised with the EU's programmes and views, to change this treatment of the senior workforce. The terms of early retirement have been made significantly more stringent while competent government officials proclaim to strive to keep the elderly in the labour market for as long as possible. However, age discrimination in the labour market does not affect only those of senior age.

How should we understand age discrimination in regard to work and employment? In the case of age, as is the case with other characteristics observed in this study, discrimination can be either direct, or indirect. There is usually a very fine line between what constitutes discrimination and what does not. In the labour market, discrimination is most frequently faced by the so-called marginal age groups, i.e. the youngest and elderly workers. These two different age groups face discrimination for different reasons. Age discrimination is defined and internationally recognised under the English term "ageism".

"Ageism—or age discrimination—is an ideology based on a shared belief in qualitative inequality of individual states of the human life cycle. It manifests through a process of systemic, symbolic, or real stereotyping and discrimination of people and groups based on their chronological age and/or membership in a specific generation."²⁰

Diagram 4.1 shows the essential forms of discrimination in the labour market. Ageism is present in various areas of the labour market, in employment, working relationships, and organisation structures. Age discrimination occurs most frequently when a person is looking for a new job. In this respect, discrimination can consist in setting a minimum or maximum age with no reasonable justification or in requesting excessively long period of practical experience. Unfortunately, discriminatory behaviour is very difficult to detect in these cases as job advertisements do not necessarily contain signs of it. Employers''

²⁰ See Vidovicova, L. na <https://www.ageismus.cz/>

intentions are hard to prove. Although anti-discrimination legislation has been implemented both on the European, and national level, it is still possible to encounter discriminatory conduct in practice. Age discrimination remains a serious issue, related to employers' stereotypical notions of productivity and demands posed by individual age groups (Davey, 2014; Alpass and Mortimer, 2007, Gray and Mc Gregor, 2003, George et al., 2015, Age UK, 2011, Ng and Feldman, 2012,). Studies from the United Kingdom and Czechia (Drydakis et al., 2017; Švihel, 2020) however state that employers usually do not even invite applicants aged 50 and above to job interviews. Additionally, the Belgian Diversity Barometer study found out that over a half of HR managers views age as a key criterion when the final decision on hiring an applicant for a job is made (Drydakis et al., 2017). Other common discriminatory practices include restricting access to further education, promotion, career or professional development planning, or remuneration restrictions, etc. From the other end of the spectrum, let us mention early termination of employment on account of advanced age. It is clear that stereotypes still need to be fought as it takes years for prejudices to be eliminated.

Diagram 4.1: **Forms of ageism in the labour market**

<p>WHEN RECRUITED (entering the labour market/changing jobs)</p>	<p>AT WORK (behaviour, attitudes, work assignments and obligations)</p>	<p>WHEN MAKING DECISIONS ABOUT RETIRING (leaving the labour market—necessity/voluntarily)</p>	<p>IN RELATIONSHIPS with colleagues, superiors, employers competitiveness</p>
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Source: Abuladze, L., Perek-Białas, J. (2018). *Measures of Ageism in the Labour Market in International Social Studies*. In: Ayalon, L., Tesch- Römer, C. (Eds.). *Contemporary Perspectives on Ageism*. Springer, 461- 491.

Prejudices which subsequently lead to a discriminatory treatment of older workers include chiefly e.g. assumption of their lower adaptability, higher susceptibility to sickness and thus to more absences, lower productivity, high wage requirements, or excessive awareness of their statutory rights. On one hand they are viewed as overqualified, on the other may be handicapped if they have stuck to one single job. Older workers are also assumed to be less adaptable to a new job if IT skills are required.

Conversely, young people struggle with being seen as having high expectations, lacking motivation and loyalty, having time management difficulties, etc. It is also clear that demands imposed on the workforce by employers in many European countries are often excessive when the requirements of the actual job are taken into account. Thus, it is harder for younger people with no working experience to access work. Issues with starting a professional career, becoming self-sufficient, and living independently always become more pronounced for the younger generation whenever there is an economic crisis. Young people in the labour market are sort of a "canary in a coal mine"—they are a group in which labour market sentiments manifest the most. At the start of a recession, the young are the first ones threatened with unemployment, primarily because there are no vacancies being

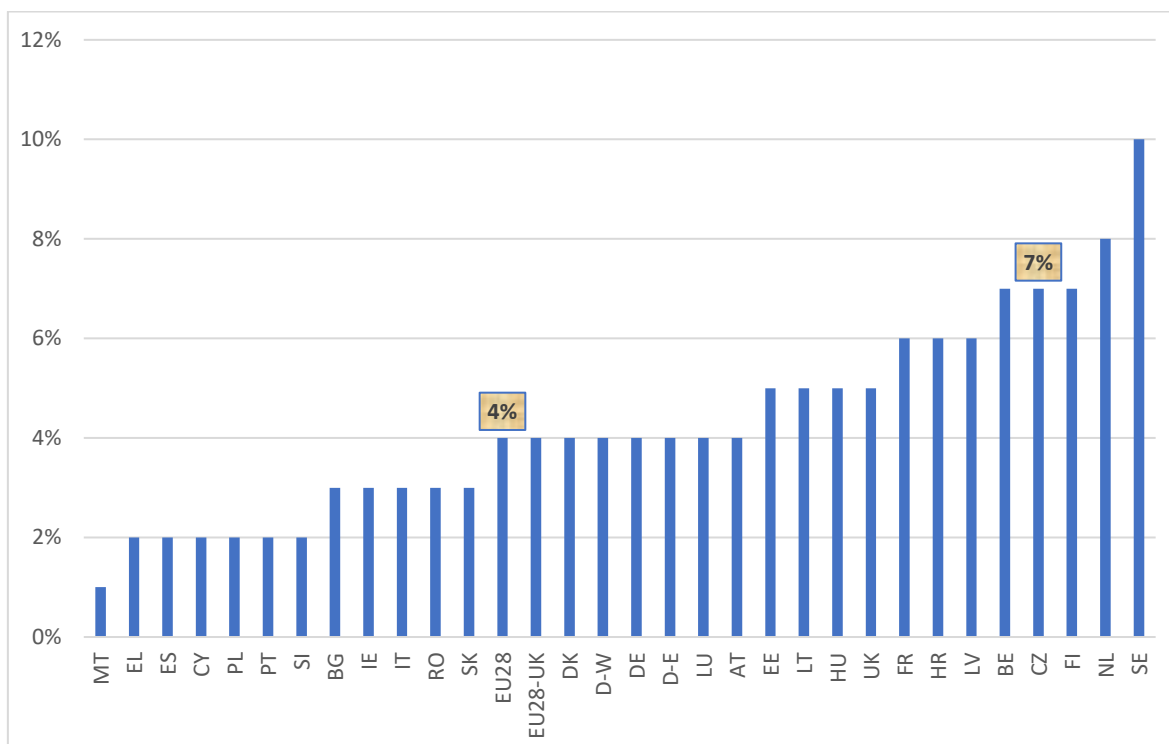
created they could fill upon graduation. Conversely, their position in the labour market improves markedly when there are signs of economic recovery and employers become more willing to employ them. Compared with other low-skilled workers, the young who have only elementary education find it the hardest to secure employment, not only due to their low qualifications, but also due to having no practical experience which might partially offset their insufficient education. Thus, the group has the lowest human capital when entering the labour market. This handicap becomes even more pronounced if a young person comes from a socially deprived family and cannot afford to take internships and undergo trainings which would help them secure well-paid, stable jobs.

It is evident that these stereotypes and objective issues need to be considered when formulating HR life cycle strategies so that the fight against age discrimination is efficient. This concerns not only legislation, but also the setting of processes on the corporate level (e.g. introducing the concept of age management and diversity plans) where social partners can actively participate, with the aim of preventing discriminatory behaviour in the labour market. Eurofound (2020) describes other age-dependent challenges which need to be addressed. Besides the already mentioned necessity to provide older employees with an equal access to further education, this also concerns designing and supporting “job-to-job” transitions, be it internally in single companies, or across organisations; systems for maintaining adaptability and ability to work; or support for flexible forms of work.

4.2 State of age discrimination in Czechia and other EU countries

Over the past 12 months, age discrimination was experienced by 7 % of the Czech population aged 15 and above (see Chart 4.1). Within the EU28, this is the fourth highest figure, right after Finland, Netherlands, and Sweden, classifying Czechia as a country with an above-average risk of age-discrimination when compared to the rest of the EU28 (EU28; 4 %).

Chart 4.1 Share of population aged 15+ discriminated against on account of age over the past 12 months



Source: Eurobarometer 2251/493, 2019; compiled by the authors

Table 4.1 Percentage of people who believe age discrimination (too old/too young) is widespread (very widespread + fairly widespread) in their country, as per the selected characteristics (%)

	Age			
	15–24	25–39	40–54	55+
CZ	42	36	39	42
EU28	40	41	40	39
	Social class			
	Traditional working class	Lower middle class	Middle class	Upper middle class
CZ	42	39	38	50
EU28	42	42	39	40
	Experience with discrimination			
	Wasn't discriminated	Once over the past 12 months	Repeatedly over the past 12 months	
CZ	35	63	57	
EU28	37	52	61	

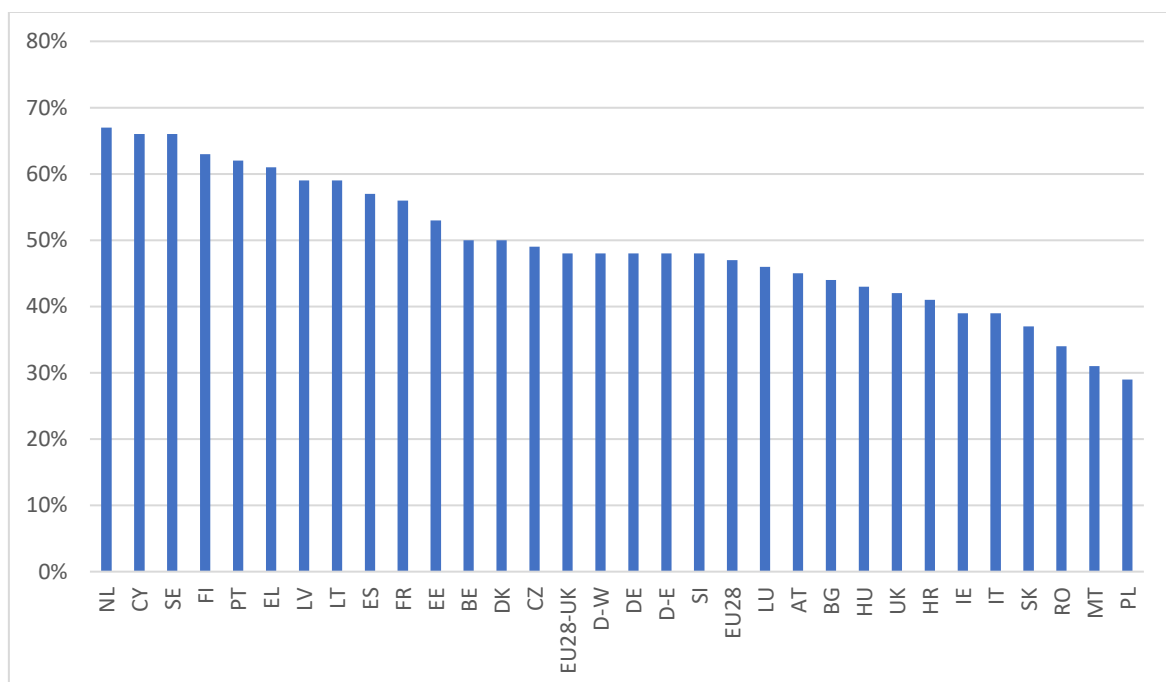
Source: Eurobarometer 2251/493, 2019; compiled by authors

Interestingly, there are no significant differences between age groups in regard to the perception of the prevalence of age discrimination in Czechia. Those in the 25–39 age group are the most optimistic as only 36 % of them are of the mind that age discrimination is widespread in Czechia. In the oldest (55 and above) and youngest (15–24) age category, 42 % of the respondents hold the same view. As expected, the question whether or not age

discrimination is widespread in Czechia, received an above-average number of positive answers among those who had a direct experience with discrimination (regardless of its ground).

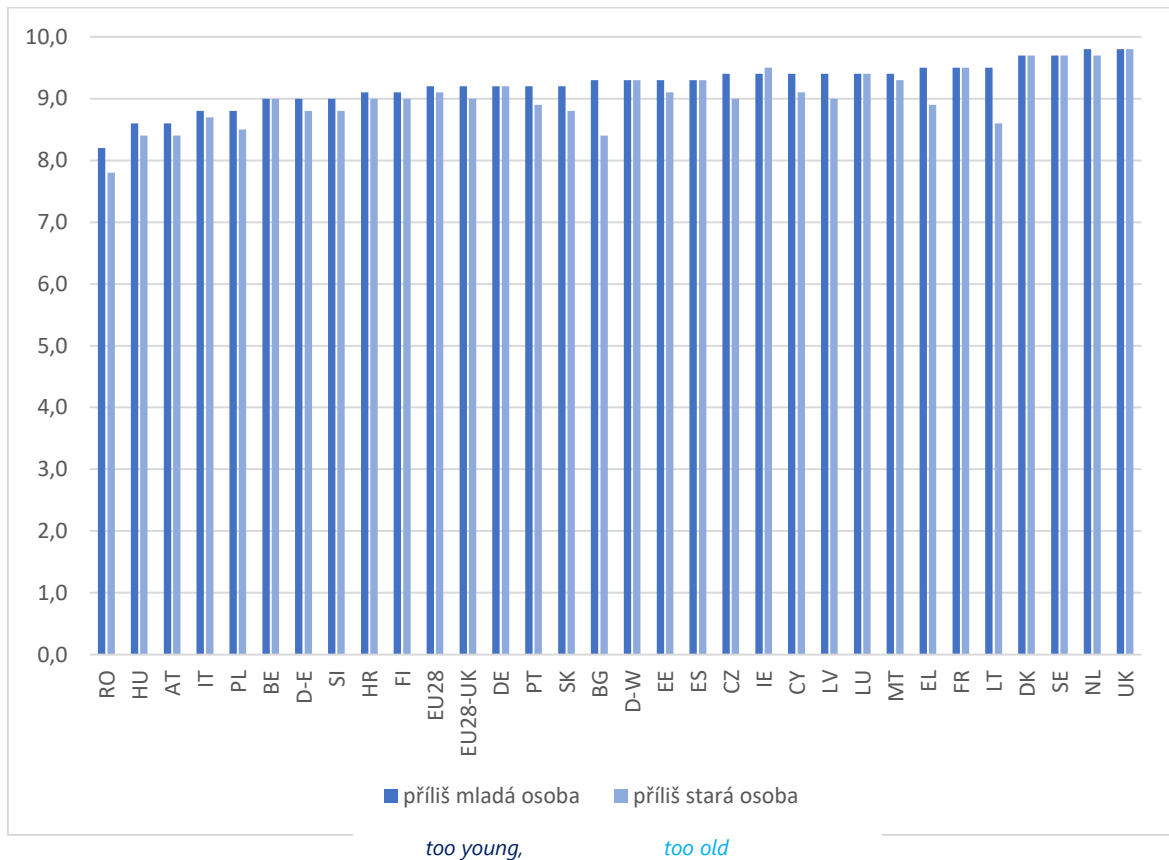
The Eurobarometer 2251/493 survey, conducted in 2019, focuses somewhat broadly on discrimination encountered in the labour market when job hunting, or rather in workplace relationships. Almost every other Czech citizen believes that age of candidates is taken into account during the hiring process, and thus that age discrimination may occur. In the EU28, the percentage of those holding this view is slightly lower. The highest share (67 %) of those believing job interviews involve age discrimination was noted in the Netherlands. The percentage was also high in South European countries (Greece, Portugal, Cyprus, Spain), as well as in Scandinavia (Sweden, Finland) or the Baltics (Lithuania, Latvia, Estonia).

Chart 4.2 When a company has the choice between two candidates with equal skills and qualifications, may, in your opinion, be one candidate put at a disadvantage due to their age (% of positive answers)



Source: Eurobarometer 2251/493, 2019; compiled by the authors

Chart 4.3 Sense of comfort when working with a colleague who is an elderly/very young employee. Scale from 1–10 where 1 = total discomfort and 10 = total comfort

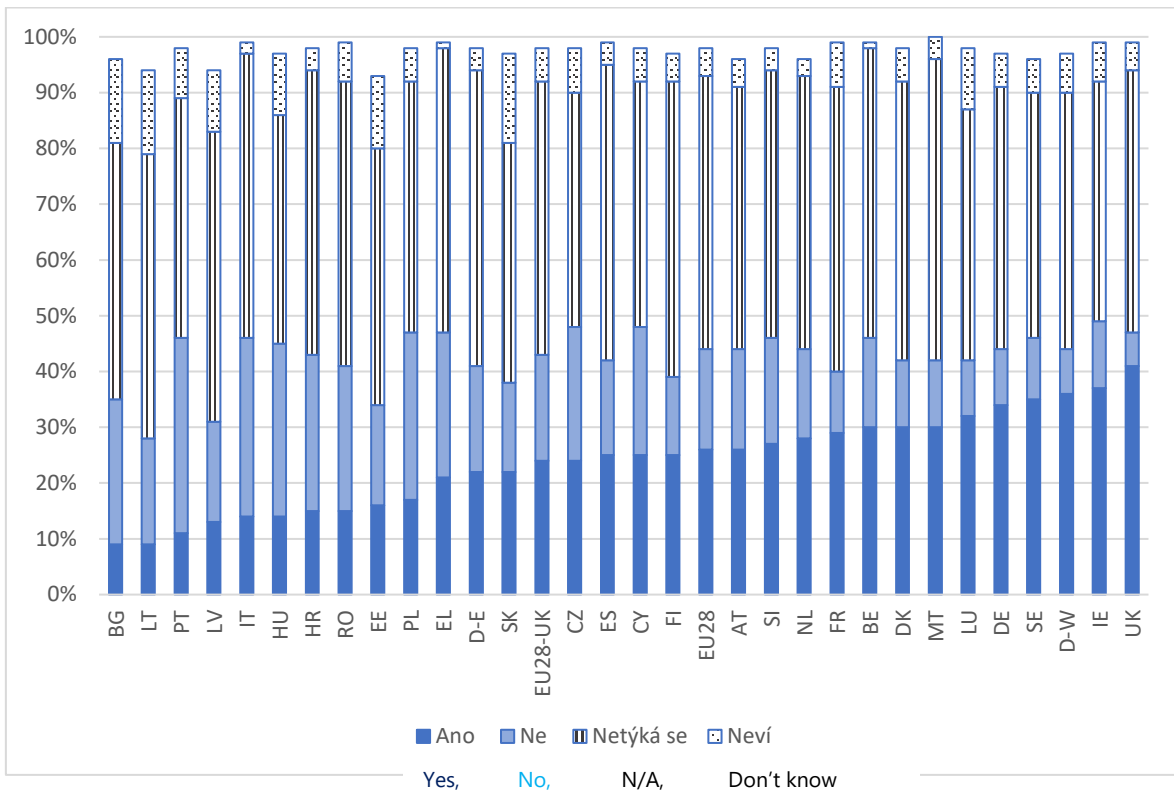


Source: Eurobarometer 2251/493, 2019; compiled by the authors

In respect to relationships in the workplace, an overwhelming majority does not object to working with colleagues of any age (see chart 4.3). Only in Romania did the degree of comfort while working with older employees drop below 8. In the United Kingdom of Great Britain and Northern Island, both values almost equal 10. The overwhelming majority of the respondents feels only slightly less comfortable when working with older colleagues than with very young employees.

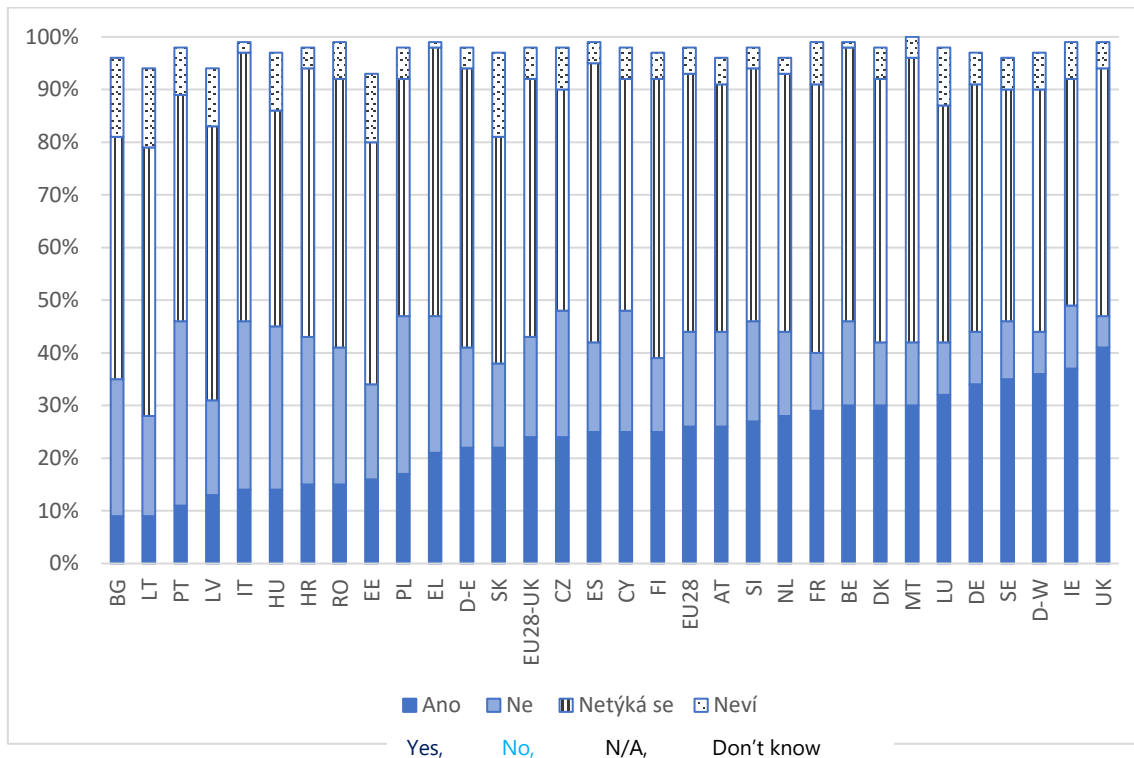
As we already stated in the introduction, one of the ways of preventing age discrimination is to promote diversity and age management as a company policy. Corporate union activities are more than welcome. The following charts and tables monitor the state of support shown in terms of diversity in the workplace. Support for diversity in the workplace in respect to older employees is viewed as sufficient mostly in Western Europe (the Netherlands, France, German, Belgium), Scandinavia (Denmark, Sweden) and the United Kingdom. Czechia placed around the average. Regarding support of diversity in regard to the population of the youngest workers, the situation in the EU28 is similar to that in the case of older employees.

Chart 4.4 **Do you think enough is being done to promote diversity in your workplace as far as older workers are concerned?** (%)



Source: Eurobarometer 2251/493, 2019; compiled by the authors

Chart 4.5 Do you think enough is being done to promote diversity in your workplace as far as young workers are concerned? (%)



Source: Eurobarometer 2251/493, 2019; compiled by the authors

Table 4.2 Do you think enough is being done to promote diversity in your workplace as far as older workers are concerned? (%)

	Age			
	15–24	25–39	40–54	55+
Yes (completely agree + somewhat agree)	48	58	47	42
No (somewhat disagree + completely disagree)	42	37	42	46
Don't know	10	5	8	9
No need to support diversity	–	–	3	3
	Social class			
	Traditional working class	Lower middle class	Middle class	Upper middle class
Yes (completely agree + somewhat agree)	37	60	51	55
No (somewhat disagree + completely disagree)	49	33	41	43
Don't know	11	7	6	2
No need to support diversity	3	–	2	–
	Gender			
	Men	Women		
Yes (completely agree + somewhat agree)	53	47		
No (somewhat disagree + completely disagree)	38	44		
Don't know	7	8		
No need to support diversity	2	1		

Source: Eurobarometer 2251/493, 2019; compiled by the authors

Note: Hyphenated cells indicate insufficient data.

Chart 4.3 Do you think enough is being done to promote diversity in your workplace as far as young workers are concerned? (%)

	Age			
	15–24	25–39	40–54	55+
Yes (completely agree + somewhat agree)	59	62	56	56
No (somewhat disagree + completely disagree)	34	35	33	32
Don't know	7	3	9	8
No need to support diversity	–	–	2	4
	Social class			
	Traditional working class	Lower middle class	Middle class	Upper middle class
Yes (completely agree + completely disagree)	51	65	58	68
No (somewhat disagree + completely disagree)	37	28	34	31
Don't know	9	7	5	1
No need to support diversity	3	–	3	–
	Gender			
	Men	Women		
Yes (completely agree + completely disagree)	62	53		
No (somewhat disagree + completely disagree)	30	38		
Don't know	6	7		
No need to support diversity	2	2		

Source: Eurobarometer 2251/493, 2019; compiled by the authors

4.3. Social partner measures against age discrimination

4.3.1 EU level

As we already mentioned in the introduction to this study, there are many anti-discrimination activities on the EU level, or rather social partner measures guided by the legislative framework of European guidelines, primarily Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation²¹, adopted on November 27, 2000, as employment and occupation are a key

²¹ Full text available on e.g. <https://eur-lex.europa.eu/legal-content/CS/TXT/?uri=celex%3A32000L0078>

aspect in the process of enshrining equal opportunities for all. Naturally, this includes, among other criteria, age equality. Additionally, the directive encourages social partners to be proactive in the workplace and at work when it comes to fighting workplace discrimination. On the European level, social dialogue establishes sort of a “methodical” background for social partner activities on the level of individual states.

The year 2007 was the European Year of Equal Opportunities for All, emphasising the urgency of changes in managerial strategies in regard to diversity and age management. This trend also requires changes in terms of attitudes adopted by union organisations which should re-evaluate their approach to strategic measures, shifting from passive employment policies to an active policy including, for instance, lifelong education strategies and implementation or promotion of a work-life balance. It is also necessary for social partners to observe and emphasise the promotion of intergenerational solidarity and intergenerational dialogue in the labour market, as well as equal opportunities for workers of all age groups. Activities of the AGE Platform Europe²² (Towards an Age Friendly Europe)²³ can also serve as an example. The AGE Europe platform, in cooperation with other institutions, analysed the impact of anti-discrimination legislation in the labour market on older workers, focusing especially on the transposition of the EU’s legal regulations to the national legal systems of the individual EU states. The platform frequently cooperates with ETUI on expert analyses (Carrera, Toffanin, 2015).

Regarding age discrimination, European Social Partners’ Autonomous Framework Agreement on Active Ageing and an Inter-generational Approach,²⁴ signed in March 2017 and articulated in response to the challenges associated with demographic changes by the European social partners BusinessEurope, UEAPME, CEEP, and ETUC, is a crucial document addressing discrimination. In it, European social partners state that if necessary, measures need to be adopted on the national, sectoral, and/or corporate level to make it easier for older workers to participate in the job process, and thus to remain in the labour market until the statutory age of retirement. Another goal is to strengthen the culture of responsibility, engagement, respect and dignity in all workplaces, with all workers being appreciated and viewed as important regardless of age. The agreement’s framework of actions is supposed to:

- raise employers, workers, and their representatives’ awareness of the challenges and opportunities resulting from demographic changes;
- provide employers, workers, and their representatives on all levels with practical information on their options regarding future development; provide approaches and/or measures related to the effective promotion and management of active aging;
- provide social partners with instructions to ensure and maintain a healthy, safe, and productive working environment;

²² See <https://www.age-platform.eu/>

²³ See <https://www.agefriendlyeurope.org/about/background>

²⁴ Full text available on https://www.etuc.org/sites/default/files/press-release/files/framework_agreement_on_active_ageing_003.pdf

- promote innovative approaches to the life cycle which would allow people to remain employed until the statutory age of retirement, holding quality jobs;
- facilitate exchange, mutual cooperation, and promotion of specific measures to transfer knowledge and experience between generations in the workplace.

The European unions initiative, however, does not concern only the elderly, but also the young generations just entering the labour market. In 2020, ETUC adopted the Resolution on Reinforced Youth Guarantee; The revisited fight against youth unemployment²⁵. The resolution assesses the persisting gaps in the use and function of the structural European framework programme Youth Guarantee²⁶. It proposes changes in the Youth Guarantee concept, and also specifies the role of European unions in activities aiming to improve youth employment and facilitate youth's entry to the labour market. ETUC and its branches articulate the right of all to dignified work; in the case of young people, the organisation wants to promote the creation of quality jobs, including further quality education of unemployed youth. It particularly emphasises the COVID-19-related crisis of the labour market which has/will have a negative impact, mostly on the young generation. The resolution points out the fact that the Youth Guarantee tool has a great potential but can only succeed if the assessment of the current programme is reflected and if sectoral, national, and European social partners participate in the preparation, implementation of, and reporting on its future version.

Joint Declaration on Demographic Change in the European Postal Sector²⁷ is one example of a sectoral agreement concluded on the European level that addresses the situation of the elderly in the labour market. The agreement was concluded in 2015 between PostEurop, a professional association of public postal operators, and the European union organisation UNI-Europa. It contains strategies on handling the aging workforce in the delivery sector. The document emphasises primarily workforce diversification in terms of the workers' skills and ability to adapt to new business models. It also focuses on age management in the following areas:

- health and well-being in the working process, preventive healthcare;
- training and other educational activities regardless of age/seniority;
- transfer of knowledge in cooperation with social partners (refresher scheme coaching/age-diverse working teams);
- flexible solutions to working activities;
- employee hiring processes which promote the elderly, with a policy of career development for all;

²⁵ Full text available on https://www.etuc.org/en/document/resolution-reinforced-youth-guarantee-revisited-fight-against-youth-unemployment#_ftn2

²⁶ For more information about the programme e.g. the European Commission website <https://ec.europa.eu/social/main.jsp?catId=1079>

²⁷ Full text available e.g. on https://www.uni-europa.org/wp-content/uploads/2018/02/EU_SDCPostalSector_JointDeclarationCollection-2001-2017.pdf

- raising awareness of age management, with intense communication on active aging;
- building intergenerational management strategies;
- balance sheets monitoring the effect of aging workforce.

4.3.2 National social partner activities

It is clear that the intervention of social dialogue parties in preventing and fighting various types of discrimination will differ by culture (e.g. Collin, 2005). There are comparative studies where, for instance, countries implemented the European anti-age-discrimination in their national legislation relatively early but this had no significant effect on the actual practice (e.g. France, see Collin, 2005). A more practical approach occurred in the United Kingdom where unions tend to be more active on the corporate level and have incorporated anti-discrimination agenda in negotiations with employers on the lowest level by taking specific, tailored measures.

Moreover, British unions have a long-standing tradition in respect to promoting the education and professional preparation of their members, with the motto of TUC, the largest British union headquarters which groups the union organisations of England and Wales, being "We are here to improve the working life and promote equality of all workers." In 1988, the Labour government set up the Union Learning Fund which gave funds to individual union associations in order to promote courses and educational activities (the Unionlearn project). Many union organisations established local education centres, and unions began to negotiate the skills agenda. Today, Unionlearn is a TUC organisation for education and skills on all levels, its activities including, among others, digital participation of older employees. Since 2013, Unionlearn has been taking part in a project aiming to give people aged 45–64 an overview of their mid-life career and offer them other career perspectives (Watts, 2019).

Older and young workers as age-defined groups that are vulnerable in the labour market have been an intense focus of the anti-discrimination agenda of national governments, including social partners, since the start of the new millennium and there have been relatively many strategies or measures to promote these disadvantaged worker groups across the EU states. Activities in which social partners participate often include campaigns, raising awareness, using the institutional base for an effective transmission of information, or working on project activities. However, support for those disadvantaged by their age has long been relatively frequently reflected in the specific provisions of collective agreements. In this study, we will mention only the most important or current activities as a practical example. For instance, regional units in Belgium and Austria have appointed diversity representatives whose chief task is to compile diversity action plans in businesses, along with employer representatives and in cooperation with union organisations. Social partners in Belgium have also, under the supervision of the Nationale Arbeidsraad, concluded a

collective agreement in 2012 (effective as of January 1, 2014)²⁸ to promote the employment of those aged 45 and above. Among other things, the agreement obligates businesses with more than 20 employees to draw up, annually at least, a plan for promoting the employment of the elderly, taking into account, for instance, the development of skills possessed by the elderly, their access to further education, or career development plans for older employees. The agreement also proposes adapting working hours and working conditions to accommodate the health of older employees (West et al., 2015).

In Spain, a collective agreement concerning the private healthcare system of the Balearic Islands, signed by healthcare union organisations, the so-called FESP-UGT, FSS-CCOO, and SATSE, and the UBES employer association, grants employees aged 55 and above the right not to work night shifts (Eurofound, 2020). Other examples of collective agreements show that this method of regulation has been mostly used to address the objectively reduced physical disposition of older employees. The collective agreement concluded between social partners in 2018 in the Madrid region in the construction sector (concrete derivatives production) stipulates that workers aged 55 and above must be given priority when it comes to assigning workers to jobs entailing work of the lowest intensity. In Denmark, a collective agreement concerning the metal-working industry allows employees to reduce their working hours five years before retiring (ibid). In Czechia, Bosch Diesel Jihlava is the trailblazer as in the early 2014 it introduced a so-called transition programme (not a part of a collective agreement) which was rather exceptional when compared with the social programmes of other businesses in Czechia and which to a degree takes over for the government in regard to supporting those who find it difficult to combine the ever-increasing age of retirement with the physical demands of their job. Bosch Diesel Jihlava began offering its employees the option of working reduced hours up to three years before reaching the statutory age of retirement while receiving a full wage, i.e. without impacting the workers' living conditions or the amount of their pension.

However, higher class collective agreements can also concern the method of hiring new employees to prevent discrimination. In July 2017, in the field of Austrian retail, the GPA-djp union organisation and the WKO chamber of employers agreed to conclude a new collective agreement concerning non-manual occupations. The agreement stipulated a single wage table for the private sector in the entire Austria, increasing the starting wage of skilled workers (with a corresponding education) to 1600 EUR (gross) a month which should result in a fairer distribution of wages across one's life and in the elimination of age-discrimination. In Spain, a national collective agreement²⁹ signed by Confemetal, a Spanish confederation of employers in the metal-working industry, and FICA-UGT, a union federation of industry, construction, and agriculture, establishes the obligation to adopt a neutral approach during hiring, promoting, and working processes to prevent age-discrimination. The agreement also obliges businesses to work out diversity plans to support

²⁸ Collectieve arbeidsovereenkomst nr. 104 van 27 juni 2012, gesloten in de Nationale Arbeidsraad, betreffende de invoering van een werkgelegenheidsplan oudere werknemers in de onderneming, for full text see <http://www.cnt-nar.be/CAO-COORD/cao-104.pdf> (in Flemish)

²⁹ Full text available on <https://www.boe.es/eli/es/res/2017/06/07/1> (in Spanish)

integration of diverse employee age groups and prevent age discrimination (Eurofound, 2020).

Where other social partner activities are concerned, Germany has a tradition of long-term cooperation between employers and employee representatives, with the aim of promoting the employment of the elderly. As an example, let us mention Perspektive 50plus – Beschäftigungspakte für Ältere in den Regionen³⁰, in which social partners have been actively participating since 2005.

³⁰ See <https://www.perspektive50plus.de/>

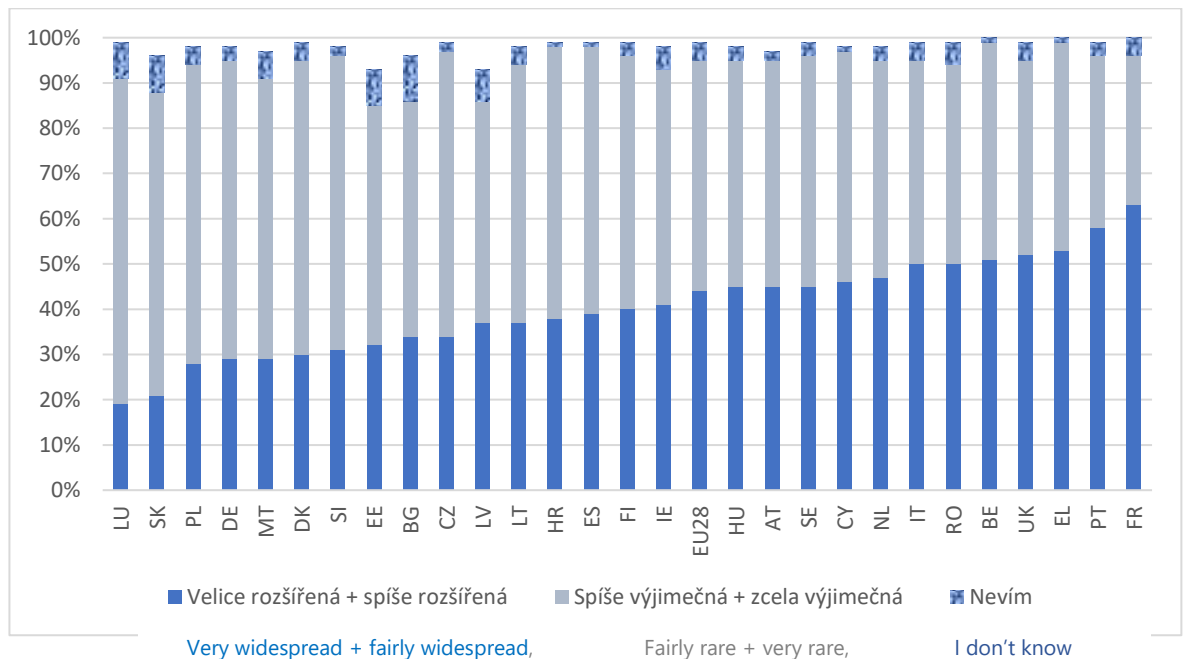
5. Disability discrimination

5.1 Disability discrimination—context

Employers often have many prejudices regarding the employment of the physically or mentally disabled—reduced capacity to work, frequent sickness, difficult administration, etc. (Rychtář, Sokolovský, 2016). In many cases, an employee’s disability requires the workplace to be specifically adjusted or equipped which naturally increases the employer’s expenses, decreasing their willingness to employ a disabled person.

On the other hand, the disabled enjoy an above-average degree of employment protection in many European countries, including Czechia³¹ (Eurofound, 2020), and employers are being motivated to employ such people³².

Chart 5.1 **How widespread do you believe disability discrimination to be in your country?**



Source: Eurobarometer 2251/493, 2019; compiled by the authors

³¹ For a summary of privileges awarded employers who employ the disabled see e.g. the leaflet of the Ministry of Labour and Social Affairs of the Czech Republic, available on https://www.mpsv.cz/documents/20142/955135/informace_pro_osoby_se_zdravotnim_postizenim.pdf/3377c598-e6da-29b0-4c69-daffbc75e7d4

³² The EU countries, Czechia included, often oblige employers to employ the disabled by requiring a certain percentage of disabled workers to make up the total workforce. If an employer fails to do so, they must pay a special fee to the state budget (e.g. in Austria).

Note: The remaining part of the 100 % consists of the answers given by respondents who believe this type of discrimination does not exist in their country at all.

Although this study does not describe national legislations concerning the employment of the disabled, in respect to social dialogue we must point out that the law in some countries demands (Austria) or at least makes it possible (Germany) for a representative of disabled employees to be appointed in workplaces where there is a certain number of the disabled employed. The representative is tasked with making sure the employer observes all stipulations relating to the employment of the disabled and acts in line with the needs of the disabled employees³³. Moreover, in some countries (Germany, Romania), the representative must be consulted in case an employer wishes to fire such an employee (Eurofound, 2020).

As evident in Chart 5.1, respondents believe disability discrimination to be widespread particularly in France, Portugal, Spain, the United Kingdom, Belgium, and Romania. Czechia scores below the EU average.

A rather different view of discrimination is offered by the following chart where respondents comment on whether or not a disability may put a job candidate at a disadvantage. Here, respondents from most countries concluded that a disability can be a severe handicap, with Finland and Sweden scoring first. These two are countries which have long been addressing the issue of discrimination and equal opportunities, and thus are more sensitive to any form of discrimination.

Table 5.1 In your country, when a company wants to hire someone and has the choice between two candidates with equal skills and qualifications, may a physical or mental disability, in your opinion, put one candidate at a disadvantage?

Country	YES answers in %
FI	64
SE	63
NL	62
PT	61
CY	54
SI	52
EL	51
LT	51
FR	49
CZ	48
EE	48
AT	47
DK	46
LV	45
HU	45
DE	43
EU28	41
BE	40
BG	39

³³ For Austria see e.g. BMASGK (2019); for Germany e.g. the website of the Betriebsrat, see <https://www.betriebsrat.com/wissen/schwerbehindertenvertretung>

UK	39
IE	37
ES	37
HR	36
LU	36
IT	29
PL	29
SK	29
RO	28
MT	27

Source: Eurobarometer 2251/493, 2019; compiled by the authors

Table 5.2 **Do you think enough is being done to promote diversity in your workplace as far as the disabled are concerned?**

Country	Yes, absolutely + yes, somewhat (% of answers)	No + not at all (% of answers)	Don't know (% of answers)
UK	39	10	3
DE	37	11	3
IE	35	17	5
CY	35	18	2
LU	33	14	8
MT	33	9	4
SI	32	18	2
SK	32	16	8
AT	30	17	2
SE	30	17	5
EU28	29	17	4
DK	29	15	5
FR	29	13	6
CZ	28	23	5
EL	28	20	0
ES	28	16	2
NL	28	19	3
BE	26	20	1
PL	25	25	4
FI	25	14	4
HR	24	22	2
IT	23	24	1
EE	22	17	9
HU	21	31	6
RO	21	24	4
BG	19	25	8
LV	18	19	7
LT	18	23	5
PT	11	40	4

Source: Eurobarometer 2251/493, 2019; compiled by the authors

Note: The remaining part of the 100 % for each country consists of the answers given by respondents who believe the question is not applicable to them.

Table 5.2 shows what respondents think of workplace diversity in regard to the disabled. Interestingly, respondents from the former Western Europe generally believe their

countries have done enough to promote workplace diversity in respect to the disabled, while it is prevalently the countries of the former Eastern Europe which score below the EU average. This implies that workplace diversity in respect to the disabled has long been addressed in Western Europe and that companies there already know how to handle the issue.

Table 5.3 How would you feel if a colleague with whom you come into daily contact in the workplace were disabled? (% of answers)

Country	Not at all comfortable	Somewhat comfortable	Totally comfortable	Indifferent	Depends on the circumstances	Don't know
RO	18	17	60	1	1	3
HU	13	21	62	1	–	3
BG	9	16	67	1	2	5
AT	9	14	68	1	6	2
PL	9	9	78	1	–	3
SK	7	10	76	1	1	5
IT	6	11	81	1	–	1
LT	6	12	75	5	–	2
HR	5	8	85	–	–	2
EU28	4	7	84	2	1	2
CZ	4	11	84	–	–	1
LV	4	8	75	8	2	3
SI	4	13	77	2	2	2
FI	4	12	71	10	2	1
EE	3	8	75	6	5	3
EL	3	7	89	–	1	–
CY	3	7	89	–	–	1
BE	2	7	90	–	–	1
DK	2	2	84	6	3	3
DE	2	9	82	4	1	2
LU	2	2	88	2	2	4
MT	2	5	86	–	–	7
NL	2	1	95	1	1	–
IE	1	4	93	1	–	1
ES	1	4	91	3	–	1
FR	1	4	92	–	–	3
PT	1	10	81	6	1	1
SE	1	1	95	1	1	1
UK	1	1	95	–	1	2

Source: Eurobarometer 2251/493, 2019; compiled by the authors

Note: The remaining part of the 100 % for each country consists of the answers given by respondents who believe the question is not applicable to them. Hyphenated cells indicate insufficient data.

Table 5.3 is interesting when compared with Table 5.2. A disabled colleague would be unwelcome mostly by respondents from the former Eastern Europe. Meanwhile in the former Western Europe, only 1–2 % would mind having a disabled colleague. This, too, can be interpreted as a long-term effect of the countries' anti-discrimination policies.

5.2 Social partner measures against disability discrimination

5.2.1 EU level

In 1999, the UNICE/EUAPME and CEEP employer organisations, in cooperation with the ETUC European union headquarters published Compendium – Good practice In Employment of People with Disabilities³⁴. This first social partner action on the European level contains examples of good practice across the EU and provides information on employment policy regarding the disabled in the Member States. The publication was followed with the Declaration of the Social Partners on the Employment of People with Disabilities³⁵ where social partners undertake to promote equal opportunities for the disabled.

In 2004, the European social partners Eurocommerce (on behalf of employers) and UNI-Europa (on behalf of unions) published the Statement on Promoting Employment and Integration of Disabled People in the European Commerce and Distribution Sector³⁶, targeting the trade sector. In the declaration, social partners call on their members to promote integration of the disabled and adapt the working conditions in their workplace to these employees, taking their handicap into account.

The year 2007 saw the onset of a cooperation between ETUC and EDF, grouping European and national organisations supporting the disabled. The cooperation spawned the ETUC-EDF Joint Declaration³⁷ where the contracting parties evaluate the current situation of the disabled in the labour market and undertake to continue cooperating in this area, especially on information campaigns centred around the issue of inclusive employment policy and implementation of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation. This joint declaration of 2007 was followed with the 2010 ETUC-EDF Joint Declaration³⁸ where the contracting parties address primarily the effects of the global financial crisis and its impact on employment and public budgets as it was clear that the crisis would have the greatest effect on those most vulnerable in the labour market, i.e. the disabled among others.

5.2.2 National social partner activities

Collective agreements

³⁴ See EC (1999).

³⁵ For the full text of the declaration see <https://ec.europa.eu/social/main.jsp?catId=521&langId=en&agreementId=1123>

³⁶ For the full text see <https://ec.europa.eu/social/main.jsp?catId=521&langId=en&agreementId=1088>

³⁷ For the full text see https://www.etuc.org/sites/default/files/Declaration_commune_de_la_CES_et_du_EFHP_EN_1.pdf

³⁸ Full text available on http://www.ogbl.lu/wp-content/uploads/2011/08/Dept_handicapes_communique_03_2011.pdf

According to Eurofound (2020), it is relatively common in European countries for the working conditions of disabled employees to be regulated.

In some countries, sectoral collective agreements grant disabled employees above-standard terms. For instance, in Bulgaria in the pre-school and school education sector, a collective agreement awards disabled non-pedagogical workers a longer vacation period. In Germany and Romania, some collective agreements also regulate the terms of terminating disabled employees—if an employer wants to let a disabled employee go, they must discuss this termination with employee representatives.

In France, a number of collective agreements regulate the retail sector, their stipulations on employing the disabled concerning the working hours, shift working, or workplace changes. A 2015 analysis which thoroughly examines collective agreements and stipulations concerning disabled workers, shows that 39 % of collective agreements (regardless of collective bargaining class) regulates the working conditions of such employees, usually the working hours, type of employment contract, further education, mobility guarantees, etc. (FLC, 2015).

In Czechia, according to Trexima (2020), only 0.2 % of corporate collective agreements regulates the working conditions of the disabled to an above-average extent.

Other social partner activities

Generally speaking, social partners in the EU Member States are addressing the issue of employing the disabled and ensuring dignified work (ILO, 2017). Naturally, specific activities and outcomes always depend on the legislation governing social dialogue and labour relationships.

As is the case with other discriminated groups, a number of initiatives regarding disabled employees is typically proposed by union organisations. In some national union organisations, the disabled comprise a significant portion of the membership base. For instance, the Dutch FN union organisation which groups public sector employees has 15,000 disabled members who work at workplaces staffed exclusively with other disabled employees. The FN provides special services to this member group, be it collective bargaining focusing solely on the disabled, or further professional development and pension system.

The British UNISON union organisation, targeting mostly the public sector, established a special group for disabled employees, comprised of disabled members. From 2010 to 2015, this group fought budget cuts in the social sector. These cuts harmed not only the disabled, but also their employers who had been up until then entitled to subsidies, allowing them to accommodate disabled employees at the workplace. Additionally, UNISON publishes studies focusing on the issue of employing the disabled, holds conferences for its disabled members, and organises educational events for employers. The Polish Solidarność union organisation also has two sections to handle the issue of employing the disabled—the Sekcja Krajowa Osób Niepełnosprawnych NSZZ “Solidarność” and Krajowa Sekcja Osób Niewidomych NSZZ „Solidarność”. These national and regional sections, respectively, comment chiefly on labour legislation from the perspective of the disabled, and cooperate

with international and national institutions concerned with the issue of employing the disabled.

In France, the biggest social partners³⁹, e.g. CFDT, CFE-CGC, CFTC or CGT for unions or U2P and CPME for employers, are members of the CNCPH, an institution connecting social partners, the government, and organisations focused on the disabled. The institution publishes annual reports on the standing of disabled employees and is consulted whenever new legislation concerning the employment of the disabled is being drafted. Established in 2005, it is viewed as a successful model of connecting various institutions and organisations concerned (among other things) with the employment of the disabled.

In 2017, Arbeiterkammer⁴⁰, Austrian employee representatives, and the ÖGB union organisation issued a publication⁴¹ which provides the disabled (primarily disabled employees) with information about their rights in respect to discrimination. In Luxembourg, 2015 saw the signing of Charte commune pour promouvoir l'égalité des chances des personnes en situation de handicap sur le marché de l'emploi⁴². The agreement was concluded by OGBL and LCGB on behalf of unions, and UEL and INDR on behalf of employers. The document follows up on the 2004 charter. In it, social partners undertake to support and integrate the disabled in the labour market. Social partners are similarly active in other EU states, e.g. in Italy and Ireland (Eurofound, 2020).

5.3 Recommendations for social partners regarding disability discrimination

However, in respect to social partner activities in the area of discrimination faced by disabled people/employees, we must also mention opinions on whether or not collective agreements which specifically regulate the working conditions of disabled employees, or union organisations with special sections for such employees, can harm the disabled in certain situations—the very concept tends to exclude this group from the labour market instead of effectively integrating it. This especially applies to collective agreements—employers who have more extensive obligations to their disabled employees as per a collective agreement may not be willing to employ another disabled person in the future (ILO, 2017).

Interestingly, ILO, 2017 recommends that social partners and union organisations establish national and regional cooperation with organisations which handle the issues faced by the disabled, be it in the public or private sector.

³⁹ Altogether 11 social partner members. Full list available on <https://cncph.fr/presentation/membres/>

⁴⁰ In Austria, Arbeiterkammer groups all employees. Membership is mandatory for all workers in Austria. The same does not apply to union organisations. There is no such institution in Czechia.

⁴¹ See Blum, M. – Djalinos-Glatz, D. – Hinteregger, K. – Spenger, M. (2017).

⁴² Full text available on http://www.ogbl.lu/wp-content/uploads/2015/12/Charte_commune_signee_2015_12_03.pdf

Such a cooperation could significantly contribute to the disabled being included in the labour market.

Additionally, Eurofound (2020) identifies the following issues which make fully including the disabled in the labour market complicated:

- physical inability of the disabled to access the workplace (no wheelchair-accessible public transport or workplace, etc.);
- insufficient motivation of employers to employ the disabled. Although most European countries oblige employers to employ the disabled once their workforce reaches a particular size, employers often prefer to opt for sanctions, e.g. paying fees to the state budget, to employing the disabled;
- in many EU countries, the education system still is not easily accessible to children and the disabled;
- many EU countries lack reintegration programmes which would make it easy for employees disabled due to an injury or illness to return to the workplace;
- there are too few jobs in the so-called protected occupations as it is evident that many people will not be able to survive an open labour market due to their disability.

6. Ethnic and racial discrimination

6. 1 Racial and ethnic discrimination

Race and ethnic origin (ethnicity, nationality) are viewed as difficult-to-differentiate grounds of discrimination as neither category can be clearly defined—different scientific fields use different definitions. According to Čížinský et al., 2006, nationality can be, for the purposes of anti-discrimination policy, defined as a sense of belonging (political, historic, cultural) with a certain national community.⁴³ Unlike nationality, race is immediately evident in a person (skin colour, physiognomic characteristics).⁴⁴

Thus, race is, along with gender and in some cases age and disability, immediately apparent, i.e. it cannot be hidden. While one's sexual orientation, nationality, and religion need not be declared in public (workplace, school...) if one does not wish to do so, a person's racial identity cannot be concealed.

As the amount of migration to Europe grows, so does the population's awareness of people of different ethnic origins or races. Table 6.1 shows how respondents from EU countries perceive the prevalence of discrimination based on ethnic origin. We can see that ethnic discrimination is believed by respondents to be widespread the most in the Netherlands, France, Belgium, Portugal, and the United Kingdom of Great Britain and Northern Ireland—understandably so as these are former colonial powers whose colonies produced many migrants once the colonial system broke down.

Surprisingly, respondents believe ethnic discrimination to be widespread even in such countries as Finland, Sweden, or Denmark, i.e. states with a high level of inclusion and promotion of diversity. This, however, may be the result of the fact that said countries have long discussed the issue of discrimination and the public is well-informed of the matter, manifesting a greater sensitivity to discrimination than the public in countries where anti-discrimination measures do not have such a long tradition. Czechia scores below the EU28 average, i.e. respondents do not believe ethnic discrimination to be very widespread, with the exception of the discrimination of the Roma as shown by Table 6.3 where over 60 % of the respondents state that this type of discrimination is very or fairly widespread in Czechia. Moreover, discrimination of the Roma is also strongly felt in countries where ethnic discrimination is less widespread (Ireland, Romania, Slovenia...).

Similar results are apparent in the case of discrimination on the ground of skin colour (Table 6.2), centred around a person's racial identity. In Czechia, respondents do not believe this type of discrimination to be very widespread; once again, we are below the EU average

⁴³ This is a subjective feeling as e.g. a person holding the Czech citizenship may consider themselves to be a Moravian, German, Pole, etc. However, if a person declares their nationality (e.g. in sociological surveys), nationality is measurable (Čížinský et al., 2006).

⁴⁴ Races, too, have only approximate scientific definitions. Thus, a person's race can also be determined only approximately, i.e. is difficult to measure, even though a person's otherness may be immediately noticeable (Čížinský et al., 2006).

while the former colonial powers score the highest in terms of discrimination on the ground of skin colour and its prevalence.

Table 6.1 **Do you believe ethnic discrimination is widespread in your country?**

Country	Very widespread + fairly widespread (% of answers)	Fairly rare + very rare (% of answers)	Don't know (% of answers)
NL	76	20	3
FR	74	20	6
BE	71	27	1
SE	70	28	2
DK	67	27	5
PT	67	29	4
UK	67	27	5
IT	66	29	4
FI	65	32	3
EL	64	35	1
EU28	59	35	5
AT	58	38	3
CY	57	43	0
DE	55	38	5
IE	54	41	4
ES	54	42	3
HU	52	42	4
MT	51	39	8
RO	44	49	6
HR	41	55	3
CZ	38	54	6
SI	38	56	3
EE	35	51	7
PL	34	56	8
LU	31	60	8
BG	29	56	9
LV	25	58	9
SK	24	62	10
LT	18	71	7

Source: Eurobarometer 2251/493, 2019; compiled by the authors

Note: The remaining part of the 100 % consists of the answers given by respondents who believe this type of discrimination does not exist in their country at all.

Table 6.2 **Do you believe racial discrimination is widespread in your country?**

Country	Very widespread + fairly widespread (% of answers)	Fairly rare + very rare (% of answers)	Don't know (% of answers)
FR	80	17	3
BE	74	26	0
NL	71	27	1
IT	69	27	3
FI	65	33	2
UK	65	30	4
SE	63	35	1

AT	61	36	2
PT	61	35	3
CY	60	38	1
EU28	59	36	4
MT	59	33	6
HU	58	38	3
DE	57	39	3
IE	56	40	3
EL	56	43	1
DK	55	41	4
ES	55	42	2
CZ	47	47	4
RO	42	50	7
PL	41	52	5
EE	36	48	10
LU	34	58	7
SI	32	62	3
HR	31	63	4
SK	29	59	8
BG	26	56	12
LT	23	65	9
LV	22	57	10

Source: Eurobarometer 2251/493, 2019; compiled by the authors

Note: The remaining part of the 100 % consists of the answers given by respondents who believe this type of discrimination does not exist in their country at all.

Table 6.3 Do you believe discrimination of the Roma is widespread in your country?

Country	Very widespread + fairly widespread (% of answers)	Fairly rare + very rare (% of answers)	Don't know (% of answers)
EL	82	17	1
SE	82	14	4
IT	79	16	4
FR	77	16	7
FI	73	25	2
HU	72	25	2
IE	65	24	10
ES	65	33	2
BE	62	33	2
CZ	62	35	2
DK	62	25	11
PT	62	24	14
EU28	61	29	8
CY	61	33	5
RO	60	35	4
SI	57	38	3
UK	55	27	16
AT	54	35	9
HR	53	44	2
DE	52	33	13
LT	48	43	7
NL	47	33	17
LU	43	35	21

SK	41	50	6
PL	40	52	6
BG	38	48	10
LV	35	45	13
MT	35	33	28

Source: Eurobarometer 2251/493, 2019; compiled by the authors

Note: The remaining part of the 100 % consists of the answers given by respondents who believe this type of discrimination does not exist in their country at all.

Table. 6.4. **In your country, when a company wants to hire someone and has the choice between two candidates with equal skills and qualifications, which of the following criteria may, in your opinion, put one candidate at a disadvantage?**

Country	Name	Home address	Accent	Ethnic origin	Skin colour	Roma
AT	24	15	44	43	47	38
BE	30	8	37	47	51	41
BG	5	2	17	23	17	34
CY	10	3	36	27	34	48
CZ	5	7	31	27	37	46
DE	25	16	39	37	43	39
DK	37	17	42	49	40	44
EE	7	6	27	25	2	23
EL	5	3	36	37	34	64
ES	6	6	19	33	36	39
EU28	19	12	33	32	37	38
FI	33	7	37	56	57	74
FR	44	26	49	45	56	47
HR	16	4	15	26	21	40
HU	10	7	18	28	38	55
IE	17	26	31	25	28	35
IT	6	6	27	18	24	36
LT	3	4	19	10	18	41
LU	18	9	29	21	23	29
LV	2	4	21	14	17	30
MT	5	5	23	29	36	25
NL	48	21	59	64	56	41
PL	4	5	18	15	23	25
PT	3	3	19	26	31	30
RO	8	8	26	13	15	25
SE	58	20	65	51	50	57
SI	23	13	20	29	31	57
SK	6	3	15	20	27	39
UK	15	15	35	28	31	27

Source: Eurobarometer 2251/493, 2019; compiled by the authors

According to the respondents, Czechia does not have much experience with ethnic or racial discrimination, for a simple reason—unlike the former colonial powers where

people of other ethnicities or races are very common, Czechia is rather homogenous in this respect, especially when it comes to racial identities. Roma are the one exception, and not only in Czechia. As shown by Table 6.4 which assesses specific “handicaps” faced when job hunting, being of Roma ethnicity is the biggest handicap in almost all countries.

Table 6.5 How would you feel if a colleague with whom you come into daily contact in the workplace were white skinned/had Asian features/black skin/was of Roma origin?

Country	Roma colleague	Black-skinned colleague	Colleague with Asian features	White-skinned colleague
AT	6,6	7,0	7,6	8,8
BE	6,9	8,5	8,5	9,1
BG	5,7	6,4	7,0	9,4
CY	7,3	8,4	8,4	9,5
CZ	6,4	7,4	7,9	9,6
DE	7,7	8,6	8,8	9,4
DK	8,1	9,5	9,6	9,8
EE	6,7	7,7	8,1	9,5
EL	6,1	7,8	7,6	9,6
ES	8,6	9,0	9,0	9,4
EU28	7,6	8,6	8,6	9,3
FI	7,9	8,7	8,7	9,2
FR	8,4	9,3	9,3	9,6
HR	7,4	7,9	7,8	9,2
HU	6,6	6,4	7,0	8,8
IE	8,3	9,0	9,0	9,5
IT	5,4	7,8	7,7	8,8
LT	6,0	7,2	7,1	9,7
LU	8,2	9,3	9,3	9,5
LV	7,4	8,1	8,0	9,6
MT	7,4	8,7	8,9	9,5
NL	9,4	9,8	9,7	9,9
PL	7,2	7,8	7,7	8,7
PT	7,1	8,8	8,2	9,4
RO	6,7	7,2	7,1	8,2
SE	9,1	9,7	9,8	9,8
SI	6,9	8,0	7,9	9,1
SK	7,5	7,6	7,8	9,4
UK	9,3	9,8	9,7	9,8

Source: Eurobarometer 2251/493, 2019; compiled by the authors

Note: Respondents described their sense of comfort using a scale from 0 to 10, where 10 total comfort and 0 = total discomfort. The numbers in the table always equal the average of answers for a particular country and particular group.

When answering how they would feel if a colleague with whom they come into daily contact were a person with a different skin colour or other features, most respondents naturally had no problem with white-skinned colleagues. Meanwhile, they would object the most to working with Roma colleagues.

6.2 Social partner measures against ethnic and racial discrimination

6.2.1 EU level

On the European level, the first social partner activities focused solely on ethnic and racial discrimination appeared in 1995 when the UNICE⁴⁵ and CEEP employer associations and the ETUC union headquarters signed the Joint Declaration on the Prevention of Racial Discrimination and Xenophobia and Promotion of Equal Treatment at the Workplace⁴⁶. In the declaration, the social partners undertake to raise awareness of racial discrimination and xenophobia and promote the inclusion of measures against this type of discrimination in collective agreements. The declaration also serves as a guide for preventing ethnic and racial discrimination in the workplace, i.e. by emphasising the skills and knowledge of particular employees, appointing an independent person to supervise equal treatment in the workplace, provide employee training, etc. The agreement also lists reasons for employers to prevent ethnic and racial discrimination in the workplace and explains the importance of workplace diversity:

- Discrimination makes it impossible to fully harness the potential of all employees;
- Any decision-making should be based only on objective criteria, not on prejudices and feelings;
- Diversity helps improve employers' reputation with customers;
- Diversity helps target customers from minority and ethnic groups;
- Diversity facilitates companies' international development;
- Preventing discrimination helps make sure employers will not be sued for discrimination;
- Diversity ensures societal stability.

In 1996, the European employer organisation ETNO, in cooperation with the union organisation UNI-Europa, published the Resolution on 1997 European Year Against Racism and Xenophobia, targeting the telecommunications sector. In it, both organisations called on their national member organisations to see the year 1997 as an opportunity to spread information on racism and xenophobia and to pay greater attention to these topics.

On October 1, 1997, the EurCommerce and Euro-Fiet social partners signed the Agreement on the Setting-Up of a Working Group on the Prevention of Racial

⁴⁵ BusinessEurope since 2007.

⁴⁶ Full text in English available on <https://ec.europa.eu/social/BlobServlet?mode=dsw&docId=10520&langId=en>

Discrimination,⁴⁷ targeting the trade sector and establishing a working group addressing the issue of preventing racial discrimination.

In 2001 in response to the Green Paper on Promoting a European Framework for Corporate Social Responsibility Green paper Consultation on the Corporate Social Responsibility⁴⁸, European organisations of social partners doing business in tourism (HORECA), i.e. EFFAT and HOTREC, urged their members to fight racism and discrimination under the umbrella of corporate social responsibility⁴⁹.

6.2.2 National social partner activities

Collective agreements

According to Eurofound 2020, there is a single collective agreement whose stipulations address ethnic and racial discrimination. The sectoral collective agreement, targeting the trade sector and signed by the Italian employer association Confcommercio and the Italian union organisations FILCAM, Fisascat, and UILTuCS, signed on July 30, 2019, includes stipulations on the need to integrate foreign workers and implement measures to promote equal opportunities, education, and research activities in this area, focusing on different levels of social dialogue.

Other social partner activities

According to Eurofound (2020), bilateral activities of national social partners targeting ethnic and racial discrimination are limited. Union organisations address ethnic and racial discrimination more than employer associations, and their activity consists mostly of issuing manuals and education manuals, as well as of holding educational events for union organisations and employee councils.

In 2013, the French union headquarters Confédération Française Démocratique du Travail (CFDT) conducted a study⁵⁰ to map how membership unions approach ethnic and racial discrimination. The study describes activities of union organisations on the local level—for instance, some union organisations have drawn up integration policies to help employers who employ people of non-French origin address the issue of integrating these non-French workers.

In 1986, Germany saw the emergence of the Gelbe Hand – Mach meinen Kumpel nicht an!⁵¹ initiative, established by the DGB union headquarters which drew inspiration from

47 Available in English on <https://ec.europa.eu/social/BlobServlet?mode=dsw&docId=9997&langId=en>

48 See the Green paper on Promoting a European Framework for Corporate Social Responsibility, Brussels, July 18, 2001. Available in English on https://ec.europa.eu/commission/presscorner/detail/en/DOC_01_9
https://ec.europa.eu/commission/presscorner/detail/en/DOC_01_9

49 Declaration signed on December 12, 2001. English text available on <https://ec.europa.eu/social/BlobServlet?mode=dsw&docId=10250&langId=en>

50 Poli, 2013.

51 Website <https://www.gelbehand.de/>

a similar initiative in France.⁵² The initiative's management includes representatives of the DGB as well as of sectoral union organisations ver.di, IG Metall, IG Bau, and IG BCE. The original goal was to reduce racial and ethnic discrimination of Turkish migrants. Additionally, a vast anti-racism campaign was organised. Ever since then, the initiative has been handling racial discrimination in the workplace, holding a whole range of workshops and educational events in companies and vocational schools, promoting diversity in the workplace, or participating in conflict resolution in the workplace.

As the number of immigrants grew over the past few years, some countries' union organisations have held campaigns to emphasise the benefits of migration for the national economy. In 2019, the Spanish union headquarters CCOO published a report on migrants, racism, and xenophobia⁵³. The goal was to demystify migrants, emphasise their positive effect on the Spanish economy and labour market, and reduce the influence of radical right-wing movements, establishing discussion between social partners and the government on the integration of economic migrants.

According to Eurofound (2020), ethnic and racial discrimination has been intensifying over the past few years. Therefore, Eurofound identified the following issues to which social partners should pay attention in the future:

- Discrimination of the Roma, not only in the labour market but also in regard to limiting their access to education and thus to a chance of securing a good job;
- Low awareness of discrimination on the ground of race and origin in countries with relatively homogenous societies (i.e. Czechia);
- Discrimination during the hiring process where a candidate is at a disadvantage on the ground of their distinctive name, accent, skin colour, or home address;
- Lack of language courses for asylum seekers;
- Problematic recognition of documents on third-country workers' education;
- Lack of information for people facing ethnic or racial discrimination (who the affected can contact or where to look for information);
- The socio-political situation of many countries results in increasing xenophobia, not only in the workplace.

In their founding and programme documents, Czech social partners embrace outlawing discrimination, including ethnic and racial discrimination, but they do not address the topic explicitly. This is not surprising as the Czech society is homogenous, and if Czechs encounter migrants in the labour market, the latter are overwhelmingly of the same racial

⁵² SOS Racisme (<https://sos-racisme.org/>) which, however, was not initiated by unions.

⁵³ CCOO (2019).

origin. Thus, Czech social partners have naturally not been systematically active in the area of ethnic and racial discrimination.

7. LGBT discrimination⁵⁴

7.1 Definition and general starting points

Although the issue of LGBT discrimination in the workplace and labour market has been highlighted by European institutions for a few decades, it has been especially emphasized in the past 5 to 10 years, with European and national institutional structures attempting to adopt specific measures to support those with other than the majority sexual orientation, as well as people with an ambiguous gender identity. Research (Ombudsman, 2019; Eurobarometer, 2019; Fric, 2017) shows that LGBT discrimination in the labour market is still rather prevalent and that it is necessary to take institutional steps in order to eliminate it.

In the European legislation, outlawing of workplace discrimination of sexual minorities is governed by Council Directive 2000/78/EC, Employment Equality, of November 27, 2000, establishing a general framework for equal treatment in employment and occupation, which has already been transposed into the national legislative systems of all EU28 states. The directive, however, does not address discrimination of transgender and intersex people which is why the anti-discrimination legislation was supplemented with Directive of the European Parliament and of Council 2006/54/EC of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation⁵⁵, concerning primarily access to employment, further education, equal terms of payment and work, or making a free decision to become a member of union and professional organisations (Fric, 2016).

In respect to LGBT people, inclusive tendencies are increasingly featured in social policies of individual European states, in policy statements, and activities of social partners or non-governmental organisations, and last but not least in employment social policies in the workplace (Pulcher et al., 2019; Colgan, Creegan, McKearney, & Wright, 2007; Köllen, 2016; Ombudsman, 2019). Disadvantages faced by LGBT people, as well as the possibility of their inclusion, are becoming an ever frequent subject of study, not only in respect to manners of discrimination, but also to managerial practices and organisation management methods which establish diversity and inclusive approach to working teams, and secondarily increase organisations' productivity/performance (Webster, Adams, Maranto, Sawyer, and Thoroughgood, 2018).

LGBT discrimination usually rests on the heteronormativity discourse, i.e. on a system of ingrained/institutionalised norms which, unless intentionally challenged, reproduce the

⁵⁴ LGBT is an internationally used abbreviation which effectively stands for four groups of people—lesbians (L), gays (G), bisexuals (B), and trans people (T). The abbreviation LGBT+ is sometimes used where the plus includes other diverse sexual orientations, identities, or ambivalences.

⁵⁵ The full text of the directive is available on <https://eur-lex.europa.eu/legal-content/CS/TXT/PDF/?uri=CELEX:32006L0054&from=lv>

belief that people are divided into two different, yet complementary genders which implies exclusively heterosexual relationships and pre-assigned social roles (Schilt & Westbrook, 2009). Heteronormativity pervades all societal structures: family, religion, market, organisations, education (Yep, 2002). People and relationships that do not fit in this "sex/gender system" (Rubin, 1998) are viewed as pathological or deviant. For homosexual and bisexual employees, heteronormativity in the workplace means several forms of marginalisation and discrimination. Typical examples include companies granting their married employees privileges or other partnership advantages which discriminate against same-sex couples (Raeburn, 2004). As for trans people, they can struggle with, for example, starting a business after transition, without the public having access to information on their transition. They also cannot have the gender with which they identify (and which can often reflect their actual appearance) recorded in their ID card unless they undergo a difficult surgery. Others face the complication of having, for instance, their earnings statement, Matura certificate, or university diploma issued for their old identity, without the possibility of having it re-issued for the new one (Ombudsman, 2019).

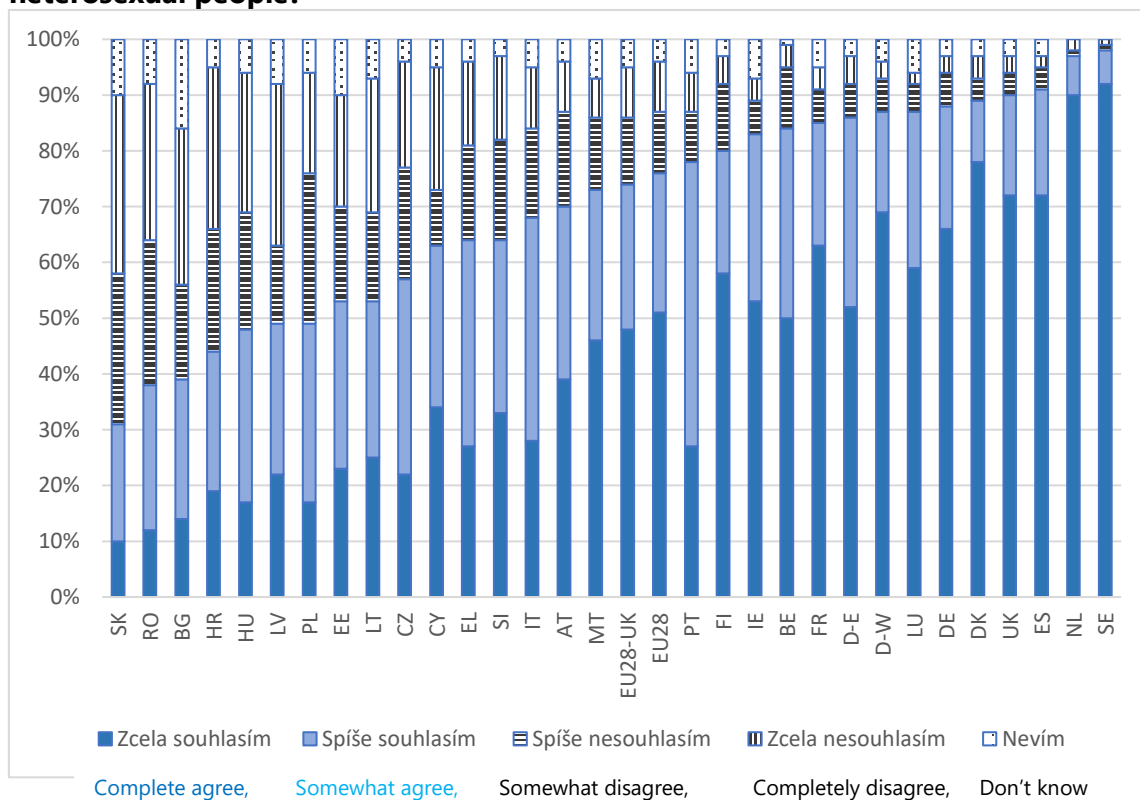
Many EU states (especially in Northern and Western Europe) proactively adopt preventive measures, as well as measures against LGBT discrimination in the labour market. Social partner intervention appears to be effective as it usually does not involve differences in opinion. Social partner initiative can consist of consulting, information/awareness campaigns, community networking, training and further education, sharing examples of good practice, or helping victims of discrimination. Already there are first examples of collective agreement stipulations promoting non-discriminatory treatment of LGBT people. According to research and studies, however, there are still significant differences between European countries in respect to initiatives to promote non-discriminatory behaviour towards LGBT people. Frequency of activities which challenge and disrupt the socially prevalent heteronormativity discourse naturally depends on the political-social-cultural context of each country. In Hungary, political consequences for the promotion of a socially inclusive approach to LGBT people can be currently observed. Moreover, Pulcher et al. (2019) and Zanola (2014) state that in Italy, a country under a strong influence of the Catholic church, overcoming the heteronormative discourse definitely is not a priority. The same attitude can be witnessed in the Catholic Poland.

7.2 Extent of LGBT discrimination in Czechia and other EU states as per data from Eurobarometer 2251/493, 2019

Before we delve into the issue of LGBT discrimination, it is important to point out the general degree of tolerance of other than heterosexual relationships and ask ourselves how the society views the idea of these people accessing rights and obligations which are a matter of course for the majority heterosexual population. Chart 7.1 shows us that respondents in the Eurobarometer 2251/493, 2019 survey differ significantly across European states when it comes to their opinions on whether LGB people should have the

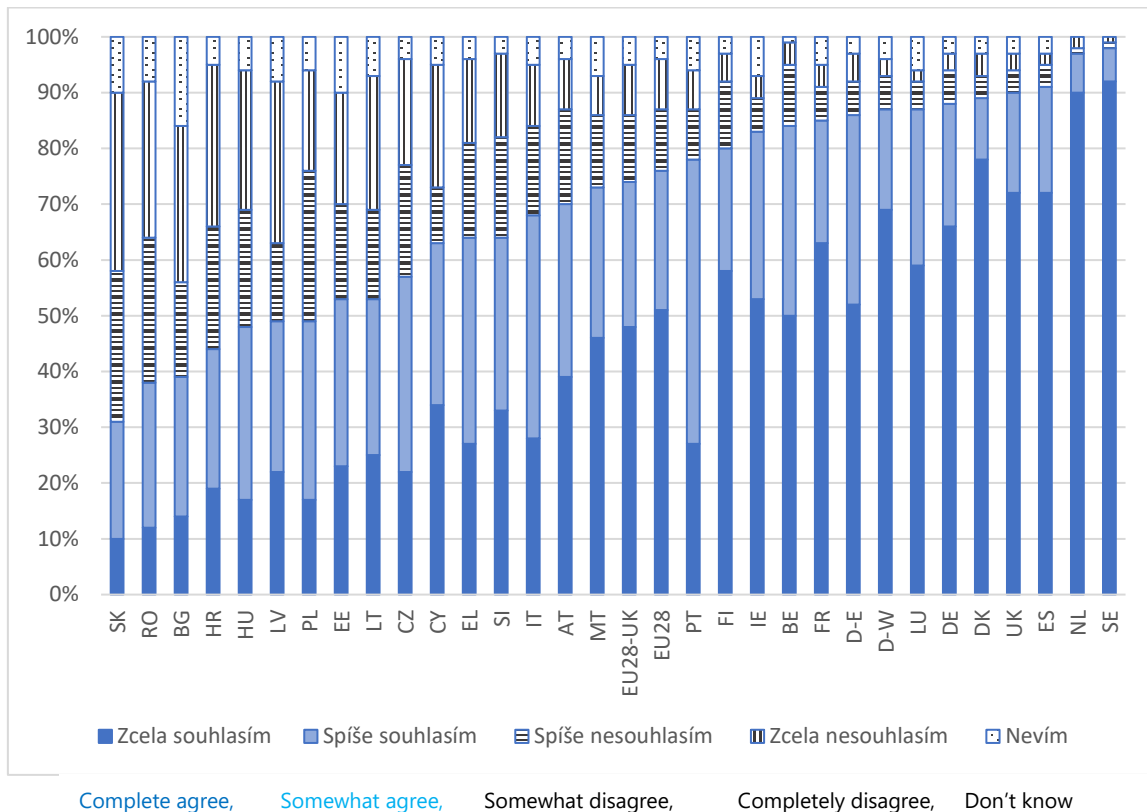
same rights as heterosexuals. Roughly a half of the respondents in Slovakia, Romania, Bulgaria, Hungary, Poland, and Lithuania, i.e. the majority of the post-communist states, would not grant LGB people the same rights. In Czechia, more than a half of the respondents stated they would grant LGB people the same rights as those enjoyed by heterosexuals, but the country still scores below the EU average. In respect to awarding LGB people full rights, Sweden, the Netherlands, Spain, Germany, Denmark, Luxembourg, and France are among the most open and tolerant countries. Interestingly, similar levels of agreement and distribution of answers were evident when respondents were asked on their views of sexual relationships between two people of the same sex. Thus, we cannot claim that tolerance is lacking solely in the regulatory aspect. Rather, considering the results recorded in Chart 7.2., we are dealing with an issue of a general framework of values.

Chart 7.1 Should gay, lesbian and bisexual people have the same rights as heterosexual people?



Source: Eurobarometer 2251/493, 2019; compiled by the authors

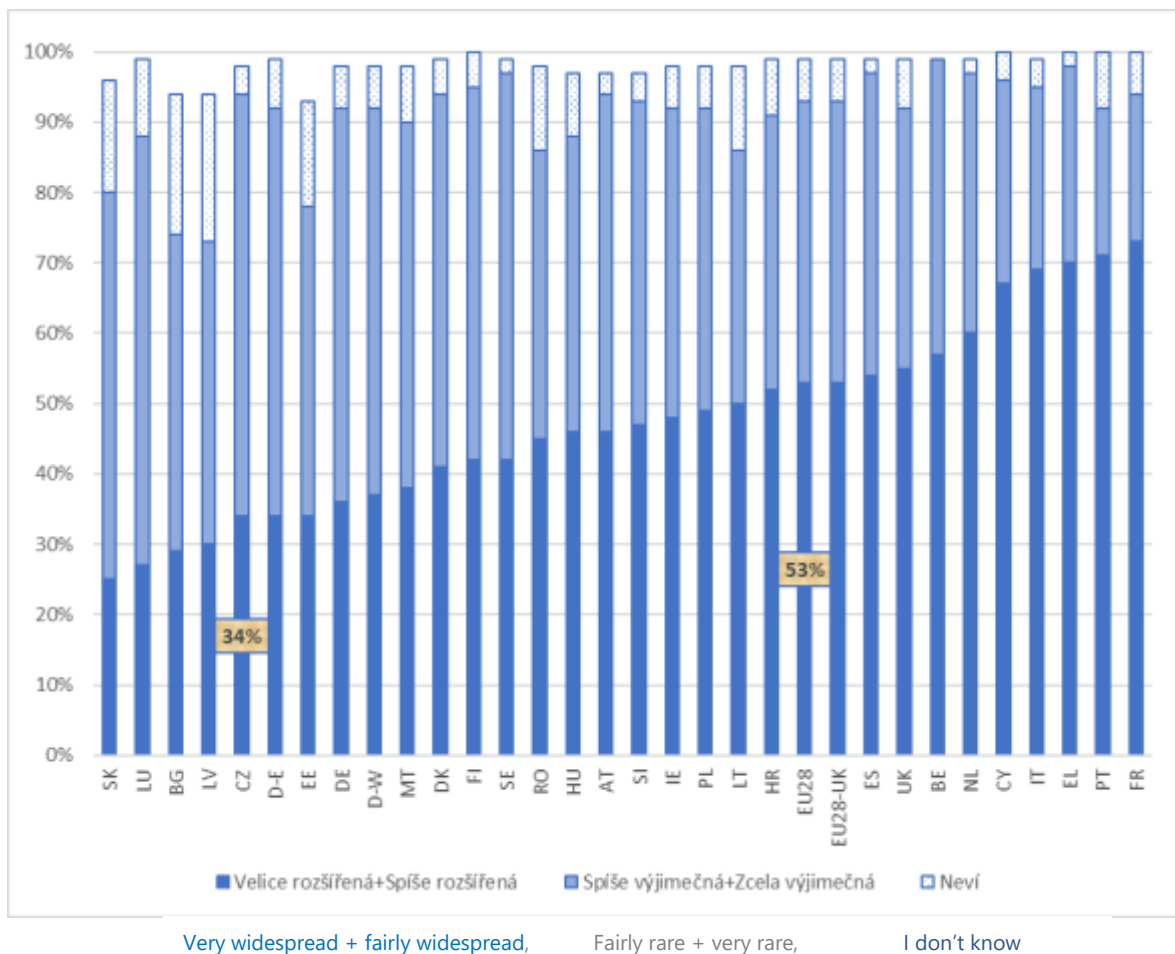
Chart 7.2 There is nothing wrong in a sexual relationship between two persons of the same sex



Source: Eurobarometer 2251/493, 2019; compiled by the authors

Approximately one third of Czechia’s adult population believes that discrimination on the ground of having a minority sexual orientation is widespread in the country. Regarding transgender people, only one quarter of the respondents had this view. The respondents’ views on the prevalence of discrimination on the ground of the discussed criteria is far below the EU average (53 % and 48 % of positive answers, respectively). Interestingly, discriminatory treatment of sexual minorities is most believed to be prevalent in France, the Netherlands, Belgium, or the United Kingdom of Great Britain and Northern Ireland, despite the fact that the majority of these countries’ adult population believe LGBT people should have the same rights as heterosexuals. The explanation for this may be e.g. more intense media and other campaigns promoting LGBT minorities, making the populations believe that this accentuation of the problem reflects reality in equal measure.

Chart 7.3 How **widespread do you believe discrimination of those with a minority sexual orientation to be in your country?**



Very widespread + fairly widespread,

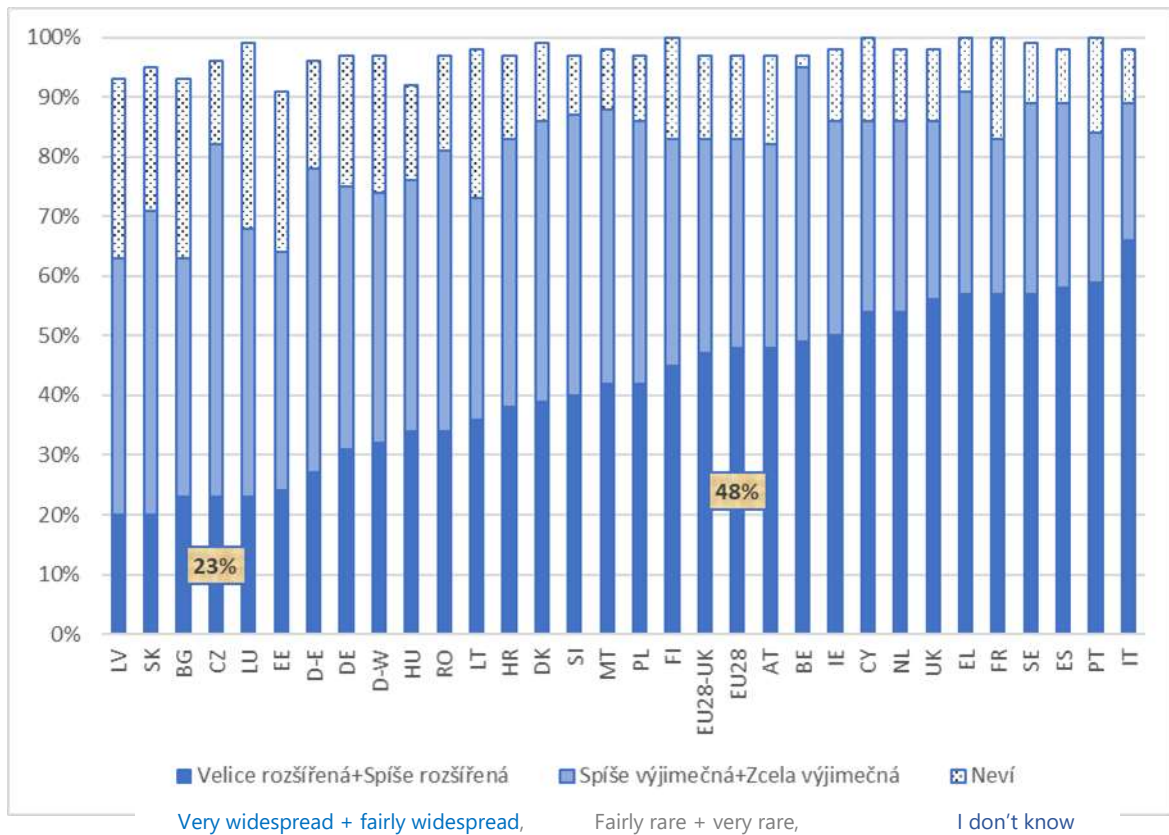
Fairly rare + very rare,

I don't know

Source: Eurobarometer 2251/493, 2019; compiled by the others

Note: The remaining part of the 100 % consists of the answers given by respondents who believe this type of discrimination does not exist in their country at all.

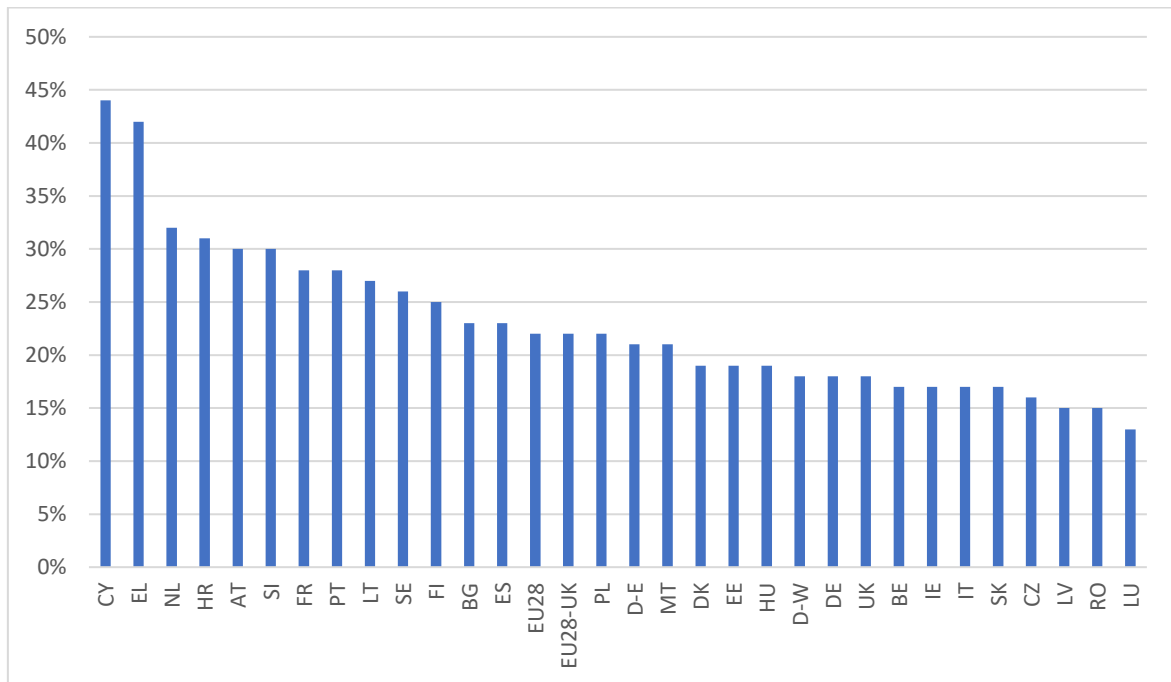
Chart 7.4 How widespread do you believe discrimination of transgender people to be in your country?



Source: Eurobarometer 2251/493, 2019; compiled by the others

Note: The remaining part of the 100 % consists of the answers given by respondents who believe this type of discrimination does not exist in their country at all.

Chart 7.5 When a company has the choice between two candidates with equal skills and qualifications, may, in your opinion, be one candidate put at a disadvantage due to their sexual orientation? (% of positive answers)

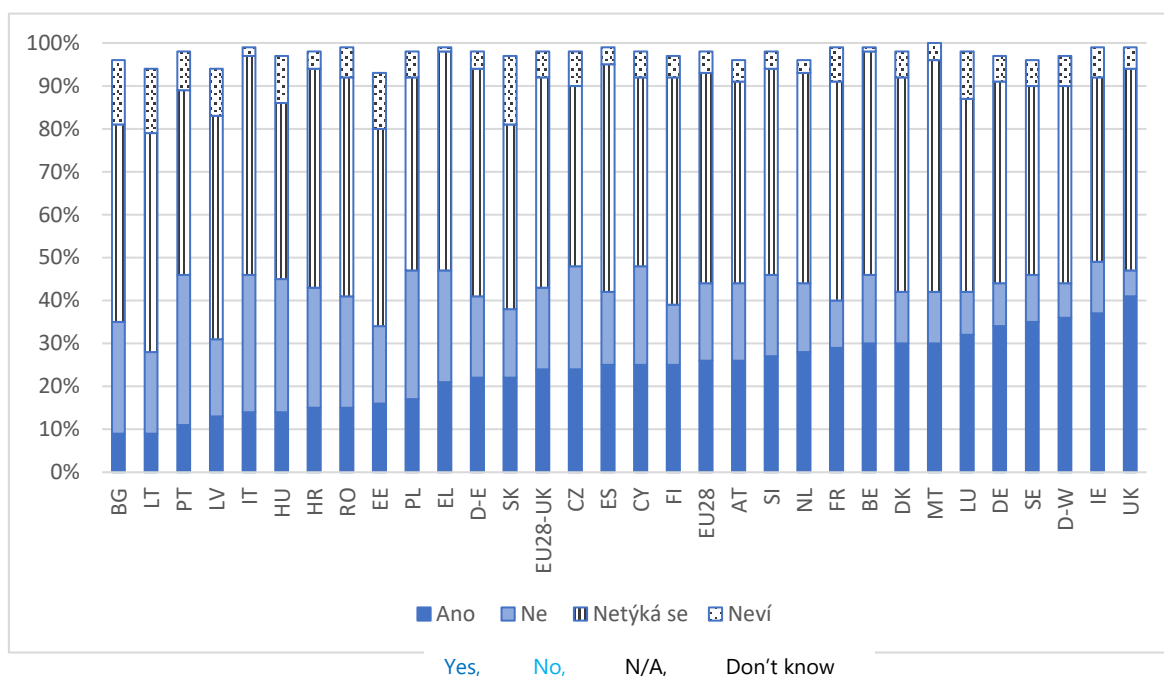


Source: Eurobarometer 2251/493, 2019; compiled by the authors

It can be assessed that rather than illustrating the scale of discrimination during job interviews, Chart 7.5 shows how intense the awareness of LGBT discrimination in the labour market is. Thus, individual country values certainly depend on the rate of awareness and publicity of the problem, i.e. on how aware of it a population as a whole is. Otherwise, how else can we explain that a third of the Dutch population believes LGBT discrimination is experienced during job interviews and at the same time almost all Dutch respondents have no issue working with a LGBT person and would grant them all of the rights enjoyed by heterosexuals? Conversely, respondents who least believe LGBT discrimination occurs during job interviews come from countries which, taking into account the other indicators mentioned here, appear to be the least tolerant (Romania, Slovakia, Italy, and Czechia). Specifically in Czechia, 16 % of respondents think LGBT people encounter discriminatory behaviour when looking for a job. In the EU28, the issue is perceived by 22 % of respondents.

As was the case with LGBT diversity, so it is clear that there are significant differences between EU28 countries as far as transgender people are concerned. According to the general population, programmes and policies promoting diversity are best-developed in the United Kingdom, Ireland, Germany, Sweden, and Luxembourg (see Charts 7.6 and 7.7). Czechia scores around the EU28 average. That LGBT diversity and inclusion are promoted is a notion held more frequently by men than women. Respondents aged 40 and above tend to have no opinion on the matter while younger respondents believe LGBT diversity is not sufficiently promoted (see Tables 7.1 and 7.2).

Chart 7.6 Do you think enough is being done to promote diversity in your workplace as far as workers with a minority sexual orientation (LGB) are concerned?



Source: Eurobarometer 2251/493, 2019; compiled by the authors

Table 7.1 Do you think enough is being done to promote diversity in your workplace as far as workers with a minority sexual orientation (LGB) are concerned (%)

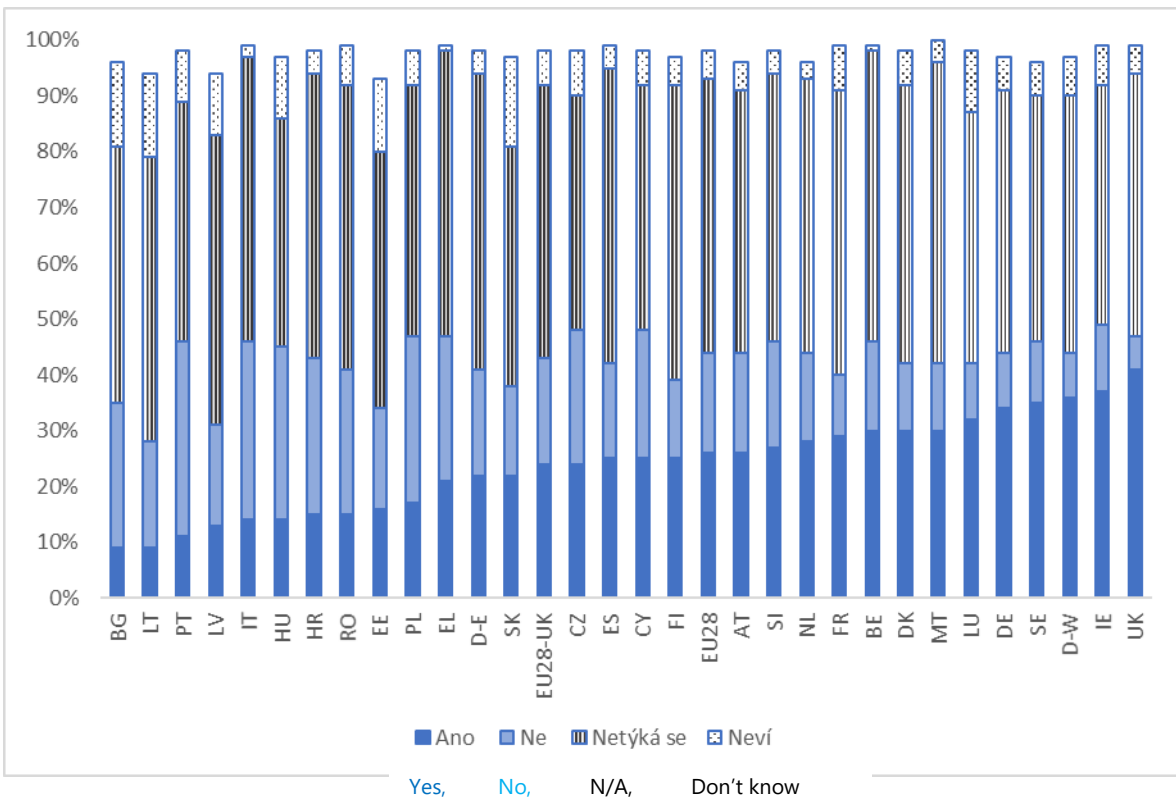
	Age			
	15–24	25–39	40–54	55+
Yes (completely agree + somewhat agree)	48	47	37	38
No (somewhat disagree + completely disagree)	42	42	42	40
Don't know	10	9	16	17
No need to promote diversity	–	2	5	5
	Social class			
	Traditional working class	Lower middle class	Middle class	Upper middle class
Yes (completely agree + somewhat agree)	37	48	42	52
No (somewhat disagree + completely disagree)	40	33	45	45
Don't know	18	18	9	3
No need to promote diversity	5	1	4	–
	Gender			
	Men	Women		
Yes (completely agree + somewhat agree)	45	38		
No (somewhat disagree + completely disagree)	38	45		

Don't know	13	14
No need to promote diversity	4	3

Source: Eurobarometer 2251/493, 2019; compiled by the authors

Note: Hyphenated cells indicate insufficient data.

Chart 7.7 Do you think enough is being done to promote diversity in your workplace as far as transgender people are concerned?



Source: Eurobarometer 2251/493, 2019; compiled by the authors

Table 7.2 Do you think enough is being done to promote diversity in your workplace as far as transgender people are concerned?

	Age			
	15–24	25–39	40–54	55+
Yes (completely disagree + somewhat agree)	33	33	29	29
No (somewhat disagree + completely disagree)	53	47	46	45
Don't know	14	17	20	19
No need to promote diversity	–	3	5	7
	Social class			

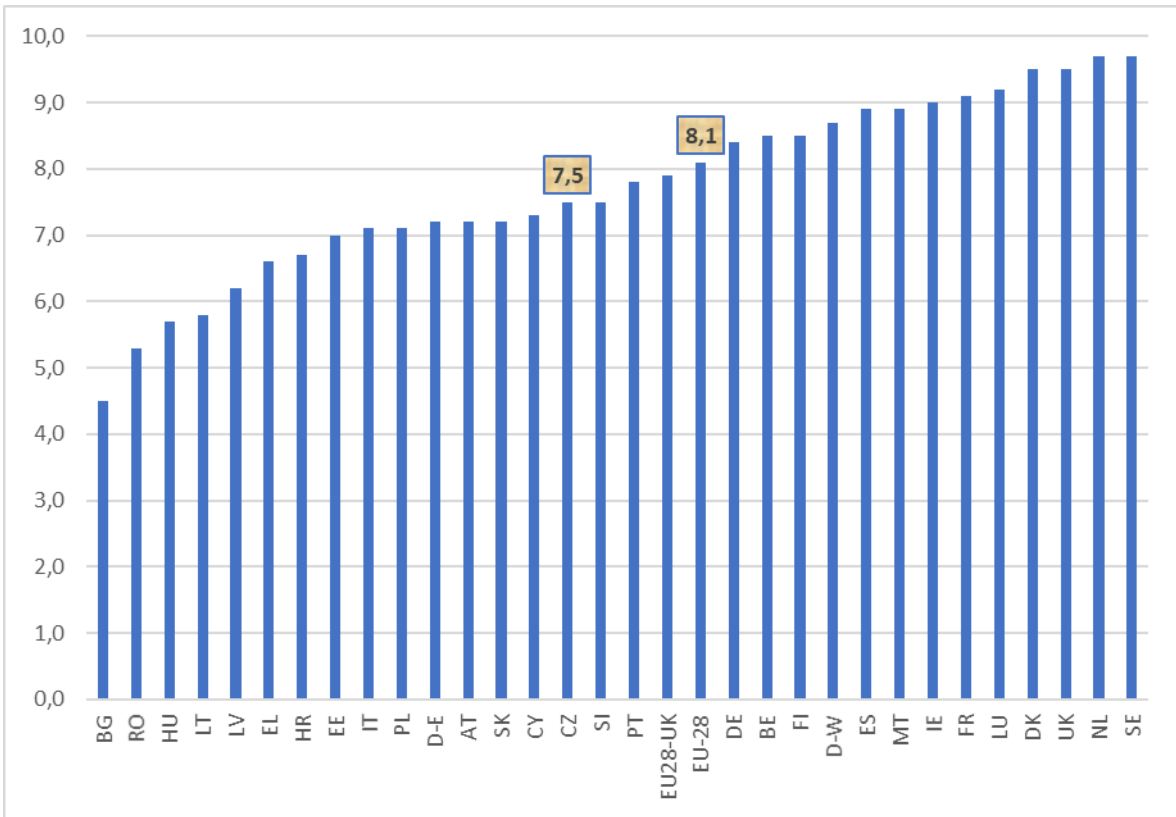
	Traditional working class	Lower middle class	Middle class	Upper middle class
Yes (completely agree + somewhat agree)	29	38	30	36
No (somewhat disagree + completely disagree)	44	31	52	56
Don't know	19	27	14	8
No need to promote diversity	8	4	4	–
	Gender			
	Men	Gender		
Yes (completely agree + somewhat agree)	33	29		
No (somewhat disagree + completely disagree)	46	47		
Don't know	17	19		
No need to promote diversity	4	5		

Source: Eurobarometer 2251/493, 2019; compiled by the authors

Note: Hyphenated cells indicate insufficient data.

Charts 7.8 and 7.9 show a sense of comfort when working with a colleague who is a sexual minority or a transgender person, using a scale of 1 to 10. The charts demonstrate that many people are still not able to accept a colleague's minority sexual orientation in the workplace, especially in the former Eastern Bloc and in countries which are under a strong influence of the Catholic Church (Poland, Italy). Workers in Bulgaria, Romania, Hungary, Lithuania, or Latvia still feel a relatively strong sense of discomfort in situations where their colleague is a LGBT person. In the overwhelming majority of European countries, discomfort is felt more intensely if said cooperation involves a transgender person. With its score of 7.6 (6.5 in the case of transgender people), Czechia finds itself below the EU28 average, i.e. it is clear that LGBT are still perceived somewhat pathologically or rather outside the norm. On the other hand, colleagues with other than a majority sexual orientation are viewed without prejudice in Sweden, Great Britain, the Netherlands, and Denmark. Generally speaking, men and older people in Czechia are less tolerant to working with a LGBT person than women and the young are (see Charts 7.10 and 7.11)

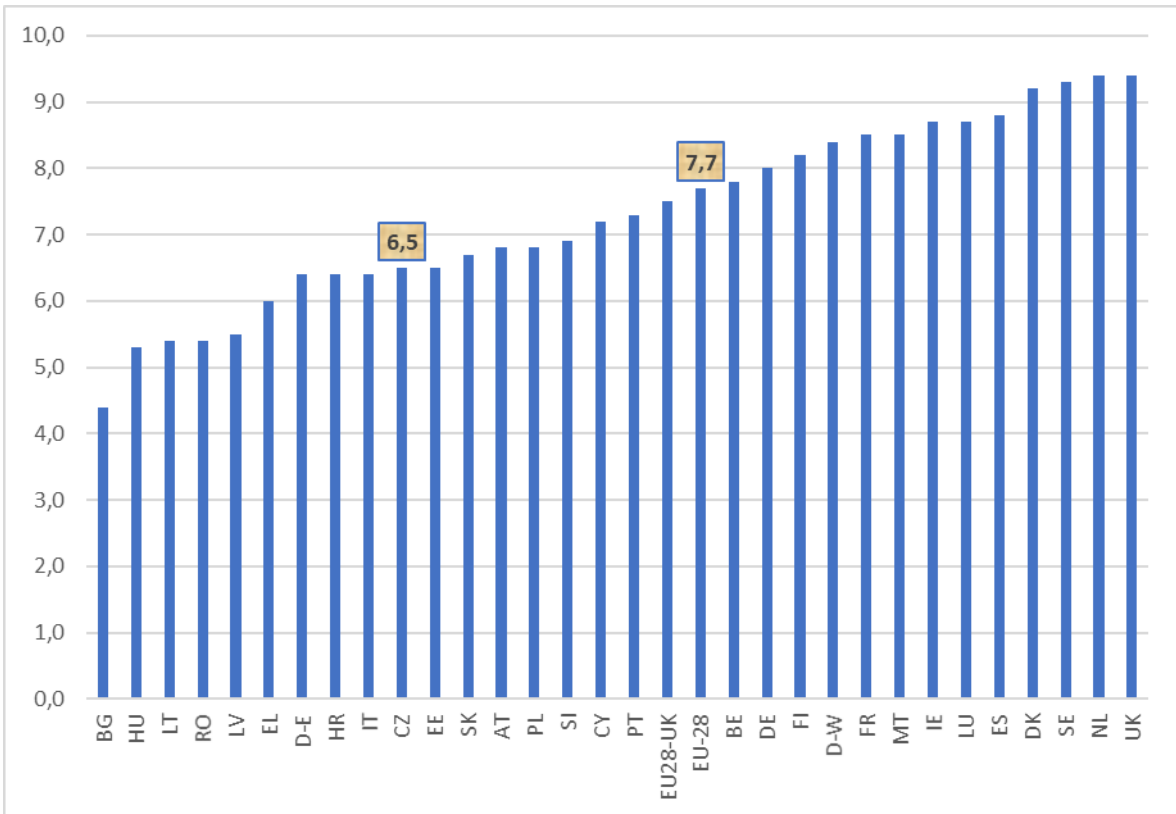
Chart 7.8 Sense of comfort when working with a LGB colleague



Source: Eurobarometer 2251/493, 2019; compiled by the authors

Note: Scale from 0 to 10, where 10 total discomfort and 1 = total comfort.

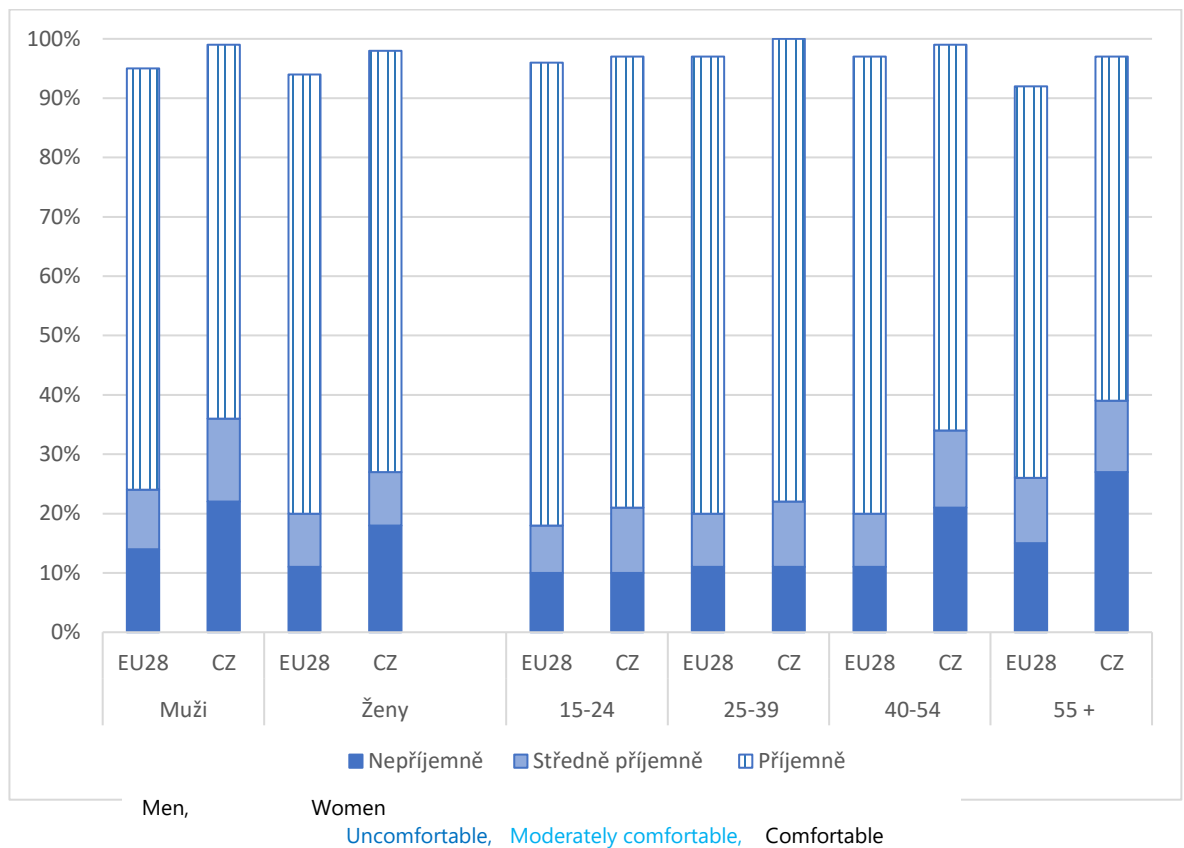
Chart 7.9 **Sense of comfort when working with a transgender colleague**



Source: Eurobarometer 2251/493, 2019; compiled by the authors

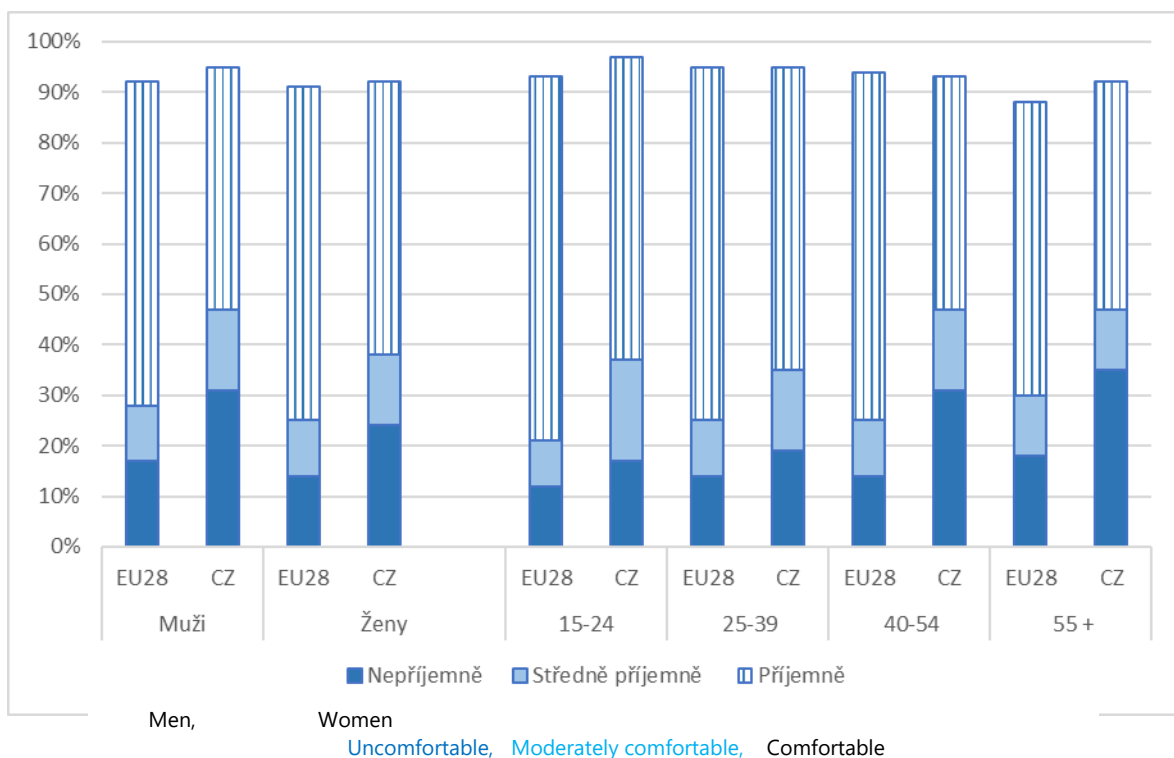
Note: Scale from 0 to 10, where 10 total discomfort and 1 = total comfort.

Chart 7.10 Regardless of whether you are actually working or not, please tell me, using a scale from 1 to 10, how comfortable you would feel if one of your colleagues at work (with whom you have daily interactions) belonged to a group with a different sexual orientation (classified by age and gender)?



Source: Eurobarometer 2251/493, 2019; compiled by the authors

Chart 7.11 Regardless of whether you are actually working or not, please tell me, using a scale from 1 to 10, how comfortable you would feel if one of your colleagues at work (with whom you have daily interactions) belonged to a group with a different sexual orientation (classified by age and gender)?



Source: Eurobarometer 2251/493, 2019; compiled by the authors

Table 7.3 **LGBT+ discrimination in the workplace as per the results of the sample survey Být LGBT+ v Česku – public rights defender survey, 2019**

Over the past 5 years, how often did you experience the following in your workplace? (% of "often/always" answers)		Reasons preventing LGBT+ people from being open about their sexual orientation and/or gender identity in the workplace.	
hiding who you truly are	51	concern about colleagues' response	81
generally negative attitude towards LGBT+ people due to their sexual orientation	24	concern about a potential deterioration of workplace relationships	77
hearing negative comments or witnessing a negative treatment of colleagues who are (or are perceived to be) members of the LGBT+ group	24	concern about discrimination and danger to career advancement	57
being exposed to negative comments or actions due to your sexual orientation	14	other reasons	2
unequal treatment in regard to working conditions or benefits on account of having (or having had) a partner of the same gender	5	don't feel the need, it's a private matter	2
		concern about losing your job	1

Source: Ombudsman, 2019

Note.: Sample size: out of the 1981 people with a minority sexual orientation, only those participating in the labour market answered.

The research information provided by Table 7.3 gives us an idea on the day-to-day reality experienced by LGBT+ people in the workplace. Roughly every other respondent with

a minority sexual orientation stated that they had to hide who they truly are in the workplace. At work, every fourth respondent encountered negative attitudes to LGBT+ people or heard negative comments or witnessed negative treatment of colleagues who were (or were perceived to be) members of the LGBT+ community. Fourteen percent of the respondents personally experienced a negative reaction to their sexual orientation and 5 % stated they were discriminated in the labour market or workplace on account of their sexual orientation.

There may be multiple reasons for LGBT+ people to hide their sexual orientation or gender identity in the workplace. As shown by Table 7.3, there are prevalent concerns about the reaction of colleagues (according to 81% of respondents) and about a possible deterioration of workplace relationships (77 %). Fear of discrimination (77 %) and danger to career advancement (57 %) are slightly less common (Ombudsman, 2019).

7.3 Social partner measures against LGBT discrimination

7.3.1 EU level

Researching and mapping the scope of LGBT discrimination in the workplace is difficult mostly because LGBT people in the workplace tend to hide their sexual orientation or that they changed their gender identity. According to Frice (2016), up to one third of LGBT people in the workplace (the EU28 average) hide the fact that they are a member of the LGBT community. It is not hard to imagine a variety of difficult situations occurring during the working process which require a LGBT person to constantly evaluate whether or not they allow for their true identity to be revealed. This behaviour, controlled by the fear of insults and violations of personal integrity, then results in the invisibility of LGBT people as a community in the labour market. Additionally, constant hiding can secondarily affect one's productivity, confidence at work, and ability to fulfil tasks in a working team (Tilcsik, 2011).

For this reason, essential social partner activities should include, on all levels: detection, monitoring, and raising awareness of the issue. It is important for social partners to raise awareness of existing rights or propose new regulatory solutions and create a so-called zero tolerance environment by intervening (e.g. by providing victims of discrimination with consulting or help). Unions and employer associations have administrative structures which facilitate effective organising of awareness campaigns, providing advice, and sharing effective procedures for challenging ingrained heteronormative stereotypes.

On the European level, one example of such activity is the ongoing ETUC awareness campaign LGBTIQ Rights Are Trade Union Rights⁵⁶, initiated in response the EU strategy

⁵⁶ Details on <https://www.etuc.org/en/document/lgbtiq-rights-are-trade-union-rights-etuc-position-eu-strategy-lesbian-gay-bisexual-trans>

Union of Equality: LGBTIQ Equality Strategy 2020–2025⁵⁷. This document contains a statutory declaration that equality and non-discrimination constitute basic values and rights of citizens. The EU bodies and Member State thus have a joint responsibility to protect fundamental human rights and must advance equal treatment of all. The Commission acknowledges that LGBTIQ people all over the European Union are discriminated in all aspects of life, including the workplace, and undertakes to lead efforts to ensure a better protection of LGBTIQ rights⁵⁸.

During a June 2021 meeting of its executive committee, ETUC supplemented this strategy with the LGBTIQ Rights are Trade Union Rights resolution where specific measures to promote the creation of a non-discriminatory environment for LGBTIQ people were proposed. ETUC fully supports the European Commission's undertaking to achieve equal treatment of LGBTIQ people. The LGBTIQ Equality Strategy is a welcome document ETUC plans to fully promote and integrate into its strategy. ETUC's equality and non-discrimination working group is the basic platform for strategic planning, policy creation, and dialogue.

Through adopted measures, ETUC undertakes to fight for inclusive working environment where a person's sexual orientation, gender identity, gender expression, or changing sexual characteristics are not an obstacle to dignified working conditions and a safe workplace. In this respect, ETUC also undertakes to intensify its cooperation with union headquarters on the national level. Additionally, it will regularly activate its equality and non-discrimination working group. ETUC will call upon its members to effectively support workers who are discriminated against because of their sexual orientation, gender identity, gender expression, or sexual characteristics, and to cooperate with advocates or other specialised organisations in order to achieve justice (unions should play a central part in helping victims and should offer an affordable access to justice in respect to LGBTIQ rights). ETUC will also promote collective agreements as a part of the broader fight against all types of workplace discrimination.

On the sectoral level, the EU has implemented Joint ETUCE-ETUC-ILGA Statement against Homophobic Bullying in 2012, a strategic commitment to fight homophobia in the education sector.⁵⁹ The declaration was signed by the highest European social dialogue partners in the education sector and over the past decade has been supplemented with a number of activities fighting homophobia in the education sector, both on the European and national levels. It was introduced and signed by European Union organisations (ETUCE, ETUC, and ILGA, and international associations of LGBTI people), after research into educators showed that being a member of the LGBTI community was one of the main reasons why teachers, academic workers, and others working in education experience violence and harassment. The joint declaration aims to explicitly articulate its stance that

⁵⁷ Full text on https://ec.europa.eu/info/sites/default/files/lgbtiq_strategy_2020-2025_en.pdf

⁵⁸ Ibid.

⁵⁹ Full text on <https://www.csee-etu.org/images/attachments/statementLGBTEN.pdf>

schools and workplaces should become a safe environment for teaching, instruction, and work, regardless of one's sexual orientation.

7.3.2 National social partner activities

Just recently, union organisation initiatives focused primarily on including LGBT people in their membership base, i.e. on establishing a safe environment for LGBT union members within union organisations. Unions have also frequently given LGBT people the option of being heard as an organised group, and thus of articulating any illegal treatment (Bairstow, 2007, Pulcher et al., 2019). Currently, social partners lean more towards mutual cooperation and collaboration with other involved organisations where there is activism in order to generally fight LGBT discrimination, with an emphasis on discrimination and abuse in the labour market. What is most evident are efforts to correct a low awareness of rights and obligations of employers and employees. To this end, social partners hold joint information campaigns (leaflets, brochures, lectures in schools or for employers and employees, etc.), offer help to victims, and promote events advancing non-discrimination in the working environment. Often, they participate in campaigns organised by platforms which group members of the LGBT community, such as Pride Parades⁶⁰. For instance, the German union headquarters DGB actively participated in Christopher Street Day⁶¹, many Swedish union organisations are members of local Pride Parades, and the Polish union headquarters OPZZ took part in 2010 Europride in Warsaw.

Although strategies of European union headquarters recommend that regulations fighting LGBT discrimination be included in collective agreements, there are very few examples of this on the national level. In Spain, for example, the textile's industry national collective agreement, signed by members of the textile industry's employer associations (TEXFOR, ATEVAL) and other members in February 2019, includes a commitment to engage in preventive activities against discriminatory practices on the ground of one's sexual orientation or gender identity (Eurofound, 2020).

Networking to promote a non-discriminatory environment for LGBT people is another important activity. As an example, let us mention the Dutch union headquarters FNV which has been organising Network Roze FNV (Network Pink)⁶² for LGBTI+ people represented in the largest Dutch union confederation since 2015. Network Pink aims to fight discrimination and establish processes for integrating LGBTI+ people in the workplace, but also to improve their position in the labour market in general (e.g. when applying for a job). Network Pink strives to change attitudes towards, as well as the perception and views of, LGBTI+ people by engaging in a whole range of activities. For example, it lobbies under the umbrella of collective bargaining, gathers and shares examples of good practice, and

⁶⁰ Pride Parades celebrate gay, lesbian, bisexual, and transgender culture and also serve as demonstrations for the rights of non-heterosexual minorities. In Prague, this event is called the Prague Pride (see <https://www.praguepride.cz/>).

⁶¹ Christopher Street Day (CSD) is an annual demonstration and celebration of the European LGBT+ movement.

⁶² See <http://www.netwerkrozefnv.nl/>

directly supports its members in difficult situations. It is active not only in the Netherlands, but also abroad.

In regards to national activities, we cannot omit to mention the strategic course of Ireland, the world's first ever country to establish a LGBTI+ National Youth Strategy 2018–2020⁶³. The strategy's purpose is to achieve visibility of young LGBTI+ people in society, as well as their appreciation and integration. The detailed document formulates clear goals, deadlines for their fulfilment, and delegates responsibilities to fulfil the strategy's individual steps to specific institutions. Union organisations, just like employer associations, have their place in the strategy, which includes the fulfilment of tasks. The strategy has three fundamental goals:

- establishing a safe, supportive, and inclusive environment;
- improving physical, mental, and sexual health of young LGBTI+ people;
- helping expand the research and data base in order to better understand the lives of young LGBTI+ people.

As a part of the goal to "provide equal employment opportunities and inclusive working environment for young LGBTI+ people", unions are tasked with giving information to employers, remind them of their duties to observe anti-discrimination legislation and equal treatment legislation, or provide consulting on ways to cultivate the working environment so that it is safe and supportive for LGBTI+ people. Unions should intensely cooperate with young LGBTI+ people to preventively reduce the risk of their leaving the labour market, while employer organisations should offer so-called leadership programmes to young LGBTI+ people who are interested in representing the LGBTI+ community in their field.

Other examples of good practice in terms of social partner inclusion can be found, for instance, in the form of the initiative of the British employer association CBI which in 2020 founded LGBT+ Network in order for the industry's strongest businesses to join forces and promote inclusive workplaces, both on the level of higher class policies, and on the corporate level (Eurofound, 2020).

CCOO, one of the largest union associations in Spain, published a brochure entitled Sexual and Gender Diversity: Topic for the Industry. In 2019, the union also conducted an analysis of the current legislation governing LGBTI rights (Eurofound, 2020).

Italian union headquarters also decided to help address the issue of LGBT equality and discrimination in the workplace. Since the 1990s, CGIL, one of the largest Italian union headquarters, has had an autonomous department CGIL Nuovo Diritti (CGIL New Rights), established after CGIL's Milan branch published a report on discrimination faced by gay and lesbian employees. In 2013, UIL Coordinamento Diritti (UIL Rights Coordination) was founded as a part of UIL, the third largest Italian union confederation. The union is to promote equal opportunities in the workplace, paying special attention to discrimination

⁶³ Full text available on <https://assets.gov.ie/24459/9355b474de34447cb9a55261542a39cf.pdf>

associated with one's sexual organisation. The office was founded because certain UIL representatives were spreading homophobic leaflets in north-eastern Italy (Pulcher et al., 2019).

As far as Czechia is concerned, social partners tend to disregard the issue of LGBT+ rights, although considering the EU strategy Union of Equality: LGBTIQ Equality Strategy 2020–2025, we can expect their interest in this topic to increase significantly.

8. Discrimination on the ground of religion or faith

8.1 Discrimination on the ground of religion or faith—context

Although religion or faith are an old ground of discrimination and even though freedom of thought, conscience, and religion is guaranteed by Article 9 of the 1950 European Convention on Human rights⁶⁴, freedom of religion in the somewhat religiously homogenous Europe was not an issue for a long time. However, due to a surge of migration of religious Muslims over the past twenty years, the issue now appears in a different light. Of course, that discrimination on the ground of religion or faith is illegal remains indisputable. On the other hand, there are now discussions about when and to what extent religious freedom should be tolerated and where the concept of faith as observed by religious people threatens the rights of other inhabitants (European Parliament, 2018).

Table 8.1 **How widespread do you believe discrimination on the ground of religion or faith to be in your country?**

Country	Very widespread + fairly widespread (% of answers)	Fairly rare + very rare (% of answers)	Don't know (% of answers)
SK	13	74	9
LT	15	73	6
CZ	24	69	4
LV	12	67	9
FI	29	67	3
LU	25	66	9
EE	17	64	11
PL	29	64	5
BG	20	62	10
HU	31	62	5
SI	33	62	2
ES	40	58	2
HR	40	58	2
MT	37	53	7
PT	41	53	5
IE	42	52	5
DE	43	52	3
RO	43	51	5
AT	47	50	2
EL	50	49	1
EU28	47	48	4
CY	48	48	2
IT	48	47	4
NL	50	47	2
SE	56	42	2
DK	61	35	3
UK	61	34	4

⁶⁴ See the European Convention on Human Rights, available on https://www.echr.coe.int/documents/convention_eng.pdf

BE	65	34	0
FR	69	27	4

Source: Eurobarometer 2251/493, 2019; compiled by the authors

Note: The remaining part of the 100 % consists of the answers given by respondents who believe this type of discrimination does not exist in their country at all.

Table 8.2 In your country, when a company wants to hire someone and has the choice between two candidates with equal skills and qualifications, may one candidate, in your opinion, be put at a disadvantage if they declare their religious faith (e.g. by wearing a religious symbol—crucifix, headscarf, etc.)?

Country	YES (% of answers)
NL	58
SE	56
DK	49
BE	46
AT	46
DE	44
FR	43
FI	42
SI	33
EU28	28
CY	27
EL	26
LU	26
UK	25
MT	23
CZ	21
EE	21
ES	18
HR	18
IE	17
LT	16
BG	15
PL	12
PT	12
IT	11
RO	11
LV	10
SK	9
HU	8

Source: Eurobarometer 2251/493, 2019; compiled by the authors

Table 8.1 shows that respondents from the former Eastern Bloc view discrimination on the ground of religion or faith to be fairly or very rare. Naturally, this has roots in the past of these countries—since the 1950s, the local religious people tended to be persecuted and the societies (with the exception of Poland) became more or less atheist. It is clear that respondents from these countries view discrimination on the ground of religion or faith

differently than those from the former Western Europe. Table 8.2 shows similar results—wearing religious symbols during an interview may put an applicant at a disadvantage primarily according to respondents from the former Western Europe. Also according to the survey’s respondents, employers in the former Eastern Europe are more tolerant to those wearing religious symbols.

Table 8.3 How would you feel if a colleague with whom you come into daily contact in the workplace practiced Judaism, Islam, Buddhism, Christianity, or no religion at all?

Country	Jew	Muslim	Buddhist	Christian	Atheist
UK	9,7	9,6	9,7	9,8	9,7
EU28	8,7	8,0	8,5	9,3	8,9
SK	8,3	6,7	7,6	9,4	8,8
SI	7,8	7,8	7,9	9,0	8,4
SE	9,6	9,1	9,6	9,7	9,7
RO	6,7	6,4	6,7	8,2	7,0
PT	8,2	7,5	8,2	9,2	8,6
PL	7,9	6,8	7,6	8,8	8,2
NL	9,7	9,4	9,6	9,7	9,7
MT	8,6	8,2	8,5	9,5	8,6
LV	8,6	7,0	8,0	9,3	8,8
LU	9,3	8,8	9,2	9,4	9,3
LT	7,8	6,2	6,9	9,7	8,1
IT	8,0	7,1	7,8	8,8	8,8
IE	9,1	8,7	8,9	9,4	9,1
HU	7,9	5,6	6,8	8,7	7,9
HR	8,2	7,9	7,9	9,2	8,6
FR	9,3	9,0	9,3	9,5	9,5
FI	8,5	7,8	8,4	9,1	8,7
ES	9,0	8,7	9,0	9,3	9,2
EL	7,4	6,8	7,1	9,6	7,6
EE	8,6	7,0	7,9	9,2	9,0
DK	9,5	9,1	9,4	9,8	9,6
DE	8,7	8,0	8,6	9,3	8,9
CZ	8,7	5,0	7,5	9,4	8,9
CY	8,1	7,5	7,8	9,7	7,7
BG	7,8	7,5	7,2	9,3	8,1
BE	8,3	7,8	8,3	9,0	8,6
AT	7,6	6,6	7,6	8,6	7,8

Source: Eurobarometer 2251/493, 2019; compiled by the authors

Note: Respondents described their sense of comfort using a scale from 0 to 10, where 10 total comfort and 0 = total discomfort. The numbers in the table always equal the average of answers for a particular country and particular group.

Table 8.3 shows that the United Kingdom of Great Britain and Northern Ireland has by far the highest rate of religious tolerance as the respondents would not mind a colleague of any religion and would even make peace with an atheist. Generally speaking, respondents would have the biggest issue with a Muslim colleague, primarily those from Czechia,

Hungary, Lithuania, and Romania. Respondents from all countries would vastly prefer working with Christians.

8.2 Social partner measures against discrimination on the ground of religion or faith

On the EU level, there are no social partner measures against discrimination on the ground of religion or faith. This is not surprising as each EU country has different views of religion and perceives this type of discrimination differently. Thus, it is difficult to motivate social partners from countries where discrimination on the ground of religion and faith is not considered to be an issue to address this topic.

On the national level, too, there have not been any significant activities regarding discrimination on the ground of religion or faith. Interestingly, the Belgian union association Algemeen Christelijk Vakverbond (ACV-CSC) published a 2018 manual entitled *Handling Religious Diversity in the Workplace?* (ACV-CSC, 2018). The guidebook contains brief instructions on handling employees' religious duties to prevent conflicts between employees of different religions. Legislation governing working hours (e.g. to accommodate praying), religious holidays, wearing religious symbols, etc., is not present in many EU countries, making it difficult for employers to decide whether requirements voiced by employees are legitimate. The handbook addresses, for example, fasting which should be observed by all Muslims over the course of Ramadan during the day. However, fasting may affect productivity and in some cases result in workplace injuries. Are employers (legally) obliged to take an interest in their employees' diet? The situation is similar with the wearing of religious symbols, especially as regards Muslim headscarves. Can employers forbid them? The guide offers tips for practical, "common sense" solutions, i.e. if fasting does not threaten an employee's health and does not reduce their productivity, it is simpler for their employer not to take an interest in his or her diet and give them free reign in this respect. The same applies to women wearing a headscarf—if the sanitary code allows it, it is better to be tolerant and not forbid the practice. However, if wearing a headscarf in the workplace is not hygienic, the employer must insist that his religious symbol be removed.

It is clear that the issue of workplace discrimination on the ground of religion or faith is becoming increasingly important and that both social partners and legislators will need to address a number of new problems associated with it. Over the past decade, the issue of workplace discrimination was limited mostly to the wearing of religious symbols but in the future, some religious groups might request regulations governing working hours, provision of food adhering to specific religious restrictions, etc. This makes the area the biggest future challenge for social partners.

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9. Conclusions and recommendations to social partners

Grounds of discrimination—old, new, and re-emerging

This study shows that the issue of discrimination is very diverse across Europe. Currently, some grounds of discrimination can be viewed as a matter-of-course in the sense that the ideal state of affairs is yet to be achieved. Nevertheless, activities in European countries, be those government activities or activities of social partners or the non-government sector, have over the past few decades brought about results which are now visible both in the working and personal life. Gender and disability discrimination, though still present and current, can be considered to be fully established as a topic—over the past few decades, great progress has been made in these two areas which is now reflected in collective agreements, the most important outcome of social dialogue. In the case of people with disabilities, the biggest problem consists in physical barriers which complicate further integration into the labour market.

Nevertheless, previous decades have presented us with new challenges and grounds of discrimination which are becoming a focal point and have underwent a significant transformation over the past ten or twenty years. These are primarily discrimination on the ground of ethnic origin and race, age (both old and young population), and LGBT+ status. Ethnic and racial discrimination is not anything new in certain European countries—former colonial powers (United Kingdom of Great Britain and Northern Ireland, Belgium, Netherlands, Portugal) especially have had to deal with inflows of migrants from their former colonies ever since the 1960s and their integration policies have long been addressing the issue. Since increasing numbers of migrants have been coming to Europe over the past few years, the topic is gaining significance even in countries which used to be relatively homogenous in this regard.

Age discrimination, especially discrimination of older age groups, is another important topic, associated with population aging. In all EU countries, age of retirement is gradually being raised, just as the average lifespan and quality of life are improving. Clearly, people aged 65+ will need to be retained in the labour market in the future. It can be expected, however, that the efficiency of these workers will not be fully comparable with that of young workers and that certain measures or adjustments will be needed (shorter working hours, above-standard benefits in the form of medical care, etc.). Disadvantages faced by younger workers are emerging as a relatively new topic as these people usually have uncertain employment contracts with a lower level of legal protection. This trend is facilitated both by the digitalisation of the labour market and the boom of new forms of working (e.g. platform work), and by the unrealistic requirements of employers regarding the long-term experience of those applying for more promising jobs.

The last group which makes an extensive use of its right to self-determination comprises the members of the LGBTI+ community. Of course, these people were a part of the society and workforce in the past but due to a change in the societal climate, now they

have a better chance and more confidence to assert themselves. Thus, we have witnessed a significant rise in LGBT+ discrimination over the past few years.

Discrimination versus integration

In relation to discrimination, we absolutely must rely on integration, i.e. on incorporating discriminated groups into the majority society. Much has been already done to outlaw discrimination and to promote the non-discrimination principle—nowadays, discrimination bans are a common part of collective agreement, gentlemen’s agreements, joint declarations, and other binding or non-binding documents.

Unfortunately, such bans are often not followed with the integration stage. If we want for the discrimination-related activities which have already been implemented, be they of a legislative or non-legislative nature, to have an actual impact, we must first give those who are discriminated against the option of integrating themselves into the society. Sadly, integration is a weak spot of almost all European countries, as evident primarily in the case of migrants, i.e. people who usually have a different ethnic origin or race than the majority European society. In Czechia, this concerns (at the moment?) mostly the Roma. Integration of the disabled has so far have not been particularly successful either—in many countries, physical barriers still abound (lack of wheelchair-accessible public transport, jobs, etc.) which, naturally, may not be easy to remedy but still must be corrected in the interest of integrating the disabled.

Looking at these groups of people, we can see that outlawing discrimination and respecting the non-discrimination principle is not enough; these principles must be followed with effective policies of integration.

What’s the role of social partners in relation to discrimination?

Social partners have demonstrated that the issue of discrimination is important to them and that they are addressing it, taking into account national specifics, of course. As was stated in the introduction, social partners have various ways of influencing workplace discrimination. Omitting the legislative route in the form of commenting on new laws, primary “propagation” tools consist of collective agreements and awareness activities. Even though collective agreements are limited to specific industries or workplace and although awareness activities do not always have a clearly visible, quantifiable impact, this topic needs to be addressed. This is made evident by the results of the Eurobarometer surveys presented in each chapter. Scandinavian countries which have long outlawed discrimination and promoted integration, educating their population on the matter, produced respondents who were very perceptive of the discrimination issue and claimed a higher rate of discrimination than other European countries, even though these societies definitely cannot be accused of having a higher rate of discrimination. This phenomenon was present in the data on all forms of discrimination. On the other hand, almost all new EU members manifested lower perceptiveness of discrimination. The likely context for this may be the

long-term suppression of individuality of the Eastern European populations during the communist era, or the severed effective mechanisms of civil society, with the absence resulting in a longer replication of stereotypes and other deeply ingrained and frequently unconscious, misleading beliefs about some groups of people.

The list of forms of discrimination as presented in this texts makes it evident that every group of disadvantaged people needs to be approached specifically as they each have different needs. Regarding activities and intervention for the purpose of ensuring equal treatment in the working environment, it is necessary for social partners to choose promotion strategies carefully. Generally speaking, social partners are tasked with raising awareness of discrimination, emphasise the issue, and purposefully challenge stereotypical thinking which is, in many respects, the basis of discriminatory behaviour.

As was already mentioned, many appeals, especially regarding anti-discriminatory practices in respect to gender equality, have been answered, In response to Council Directive 75/117/EEC of 10 February 1975 on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women⁶⁵ and Council Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment of men and women as regards access to employment, vocational training and promotion, and working conditions,⁶⁶ as amended, European social partners introduced the so-called Framework of Action on Gender Equality. This was followed with the so-called progress reports, as well as a number of joint declarations, guides and good practice handbooks, or project reports, partnership agreements which broke the equal opportunity agenda down to the national, sectoral, or corporate level. These activities concerned e.g. flexible forms of work and working hours regimes by promoting a work-life balance or introducing programmes that supported the improvement of women's qualifications or increasing the percentage of women in the workforce, and thus in businesses' management. As far as promotion of age equality is concerned, many challenges still remain although there is already a number of strategic documents on various levels which mention the need for age diversity and age management. In this respect, we must emphasise the necessity of building age diversity and nurturing an age-diverse workplace as a whole, i.e. in a way which prevents one age group from being favoured at the expense of the other. Thus, it is advisable to focus on policies and practices which e.g. promote the health of all employees, with the secondary effect of lengthening a person's working life; offer flexible forms of organising work and working hours; or offer individual education plans for all, etc. In some cases, it is necessary to balance the measures on offer, taking into account the individual needs of employees, i.e. for instance establishing processes to facilitate retirement, or processes which allow employees to take care of a relative without fully ceasing their paid work.

As far as ethnic or racial discrimination is concerned, Czechia as a relatively homogenous society still is not a country where the issue resonates as much as in e.g.

⁶⁵ Original text available on <https://eur-lex.europa.eu/legal-content/CS/ALL/?uri=CELEX%3A31975L0117>

⁶⁶ Original text available on <https://eur-lex.europa.eu/legal-content/CS/TXT/?uri=CELEX%3A31976L0207>

France, Belgium, or the United Kingdom. Nevertheless, there is a lot of room for further activities—in the case of Czechia, these concern the discrimination and integration of the Roma as the existing activities and integration policies are failing⁶⁷. Clearly, this issue is the biggest challenge, faced not only by social partners.

The process of addressing discrimination on the ground of sexual orientation and gender identity has a crucial goal, i.e. establishing an environment of opinions friendly to people with a non-majority sexual orientation or an ambiguous gender identity, in the workplace to provide dignified and safe working conditions, but also in the society as such. This is where union organisations as well as employers can contribute (e.g. by raising awareness and training line managers in integrating LGBT people into working teams, establishing effective mechanisms aiming to prevent workplace harassment, creating procedures for addressing harassment, etc.). The goal of these activities is to produce an environment where all people feel comfortable at work, regardless of their sexual orientation and without having to hide their true identity.

To summarise, let us present intervention categories social partners can utilise to fight workplace discrimination as per Eurofound (2020). What is key is the frequently mentioned detection (looking for cases of discrimination and reporting them), monitoring, and raising awareness of discrimination on all levels of society. Social dialogue parties must diligently enforce the principle of zero tolerance and effectively promote the right to equal treatment. Considering the developed institutional structures and contacts, it is necessary for social partners to encourage other parties in the labour market to adopt anti-discriminatory measures, targeting not only the working sphere, but other areas of life too. Additionally, social partners should fully utilise the possibilities of social dialogue and through the opportunities provided by collective agreements and contracts make a regulatory contribution to the anti-discriminatory environment of the working world.

⁶⁷ As stated by the government's document Strategie rovnosti, začlenění a participace Romů (Strategie romské integrace) 2021–2030, available on https://www.vlada.cz/assets/ppov/zmocnenkyne-vlady-pro-lidska-prava/aktuality/Strategie-rovnosti--zacleneni-a-participace-Romu-2021---2030---textova-cast_OK.pdf

Annexe 1: Abbreviations—organisations

Abbreviation	Original name	English name	Czech name (if it exists)	Type of organisation	Country	Website
ACV-CSC	Algemeen Christelijk Vakverbond-Confédération des syndicats chrétiens	Confederation of Christian Trade Unions of Belgium		O	BE	https://www.acv-csc.be/
Arbeitskammer	Kammer für Arbeiter und Angestellte	Chamber of Labour	Pracovní komora	O	AT	https://www.arbeiterkammer.at
ASO ČR	Asociace samostatných odborů České republiky			O	CZ	http://www.asocr.cz
ATEVAL	Asociación de Empresarios Textiles de la Comunidad Valenciana	Association of Textile Entrepreneurs of the Valencian Community		Z	ES	https://www.ateval.es/
BusinessEurope	BusinessEurope	BusinessEurope	Evropská unie konfederací průmyslu a zaměstnavatelů	Z	EU	https://www.busesseurope.eu/
CBI	Confederation of British Industry			Z	UK	https://www.cbi.org.uk/
CCOO	Confederación Sindical de Comisiones Obreras	Workers' Commissions		O	ES	https://www.ccoo.es/
CCOO Industria	Industria de Comisiones Obreras			O	ES	https://industria.ccoo.es/
CEEP	European Centre of Employers and Enterprises providing Public Services and Services of general interest		Evropské středisko podniků s veřejnou účastí a podniků obecného hospodářského zájmu	Z	EU	http://www.ceep.eu
CER	European Railway and Infrastructure Companies		Společenství evropských železničních společností	Z	BE	https://www.cer.be/
CFE-CGC	Confédération française de l'encadrement	French Confederation of Management – General Confederation of Executives		O	FR	https://www.cfecgc.org/
CFDT	Confédération française démocratique du travail	French Democratic Confederation of Labour		O	FR	https://cfdt.fr/

CFTC	Confédération française des travailleurs chrétiens	French Confederation of Christian Workers		O	FR	https://www.cftc.fr/
CGIL	Confederazione Generale Italiana del Lavoro	Italian General Confederation of Labour		O	IT	http://www.cgil.it
CGT	Confédération générale du travail	General Confederation of Labour		O	FR	http://www.cgt.fr
CNCPH	Conseil national consultatif des personnes handicapées	National Advisory Council for Persons with Disabilities		J	FR	https://cncph.fr/
Confcommercio	Confcommercio-Imprese per l'Italia	Italian General Confederation of Enterprises, Professions and Self-Employment		Z	IT	https://www.confcommercio.it
Confemetal	Confederacion Espanola de Organizaciones Empresariales del Metal	National Employers' Organization of Metal Sector in Spain		Z	ES	https://confemetal.es/
CPME	Confédération des petites et moyennes entreprises	General Confederation of Small and Medium Companies		Z	FR	http://www.cpme.fr
ČMKOS	Českomoravská konfederace odborových svazů			O	CZ	https://www.cmkos.cz/
DGB	Deutscher Gewerkschaftsbund	German Trade Union Confederation	Německý svaz odborů	O	DE	https://www.dgb.de/
EFFAT	European Federation of Food, Agriculture, and Tourism Trade Unions		Evropská federace odborových svazů v potravinářství, zemědělství a cestovním ruchu	O	EU	https://effat.org/
EMCEF	European Mine, Chemical and Energy Workers' Federation			O	EU	http://www.emcef.org/
EPSU	European Public Sector Union		Evropská federace odborových svazů veřejných služeb	O	EU	https://www.epsu.org/
ETF	European Transport Workers' Federation		European Telecommunications Network Operators' Association	O	EU	https://www.etf-europe.org/
ETNO	European Telecommunications Network Operators' Association			Z	EU	https://etno.eu/
ETUI	European Trade Union Institute			O	EU	http://www.etui.org

ETUC	European Trade Union Confederation		Evropská odborová konfederace	O	EU	http://www.etuc.org
ETUCE	European Trade Union Committee for Education			O	EU	https://www.csee-etu.org/
EURELECTRIC	Union of the Electricity Industry			Z	EU	https://www.eurelectric.org/
Euro-FIET	European Federation of Commercial, Clerical, Professional and Technical Employees			O	EU	Od roku 2000 přejmenováno na UNI-Europa.
EuroCommerce	EuroCommerce			Z	EU	https://www.eurocommerce.eu/
EUROFOUND	European Foundation for the Improvement of Living and Working Conditions		Evropská nadace pro zlepšení životních a pracovních podmínek	J	EU	https://www.eurofound.europa.eu/
FESP-UGT	Federacion de Empleados de Servicios	Federation of Public Services Employees		O	ES	https://www.fespugt.es/
FICA-UGT	Federación de Industria, Construcción y Agro de la Unión General de Trabajadores			O	ES	https://www.ugt-fica.org/
FILCAM	Federazione Italiana Lavoratori Commercio, Turismo e Servizi			O	IT	http://www.filcams.cgil.it
Fisascat	Federazione Italiana Sindacati Addetti Servizi Commerciali Affini e del Turismo			O	IT	https://www.fisascat.it/
FNV	Federatie Nederlandse Vakbeweging	Federation of Dutch Trade Unions		O	NL	http://www.fnv.nl
FSS-CCOO	Federación de Sanidad y Sectores Sociosanitarios	Health and social sector workers' federation		O	ES	https://sanidad.ccoo.es/
GPA-DJP	Gewerkschaft der Privatangestellten, Druck, Journalismus, Papier	Union of Private Sector Employees, Printing, Journalism, and Paper		O	AT	http://www.gpa.at
HOTREC	Association of Hotels, Restaurants, Bars and Cafes			Z	EU	https://www.hotrec.eu/

IG BAU	Industriegewerkschaft Bauen-Agrar-Umwelt			O	DE	https://igbau.de/
IG BCE	Industriegewerkschaft Bergbau, Chemie, Energie			O	DE	http://www.igbce.de
IG Metall	Industriegewerkschaft Metall	German Metalworkers Union		O	DE	https://www.igmetall.de/
ILGA	International Lesbian, Gay, Bisexual, Trans and Intersex Association			J	INT	http://www.ilga.org
ILO	International Labour Organization		Mezinárodní organizace práce	J	INT	http://www.ilo.org
INDR	L'Institut National pour le Développement durable			Z	LU	https://indr.lu/
LCGB	Lëtzebuenger Chrëschtleche Gewerkschafts-Bond	Luxembourg Confederation of Christian Unions		O	LU	https://www.lcgb.lu
NAT-CNT	Nationale Arbeidsraad/ Conseil National du Travail	National Labour Council	Národní rada práce	J	BE	http://www.cnt-nar.be/
ÖGB	Österreichischer Gewerkschaftsbund	Austrian Trade Union Federation	Rakouský svaz odborů	O	AT	https://www.oegb.at/
OGBL	Onofhängege Gewerkschaftsbond Lëtzebuerg (Independent Trade Union Confederation of Luxembourg)			O	LU	https://www.ogbl.lu
OPZZ	Ogólnopolskie Porozumienie Związków Zawodowych	The All-Poland Alliance of Trade Unions		O	PL	https://www.opzz.org.pl
PostEurop				Z	EU	http://www.posteurop.org/
SATSE	Sindicato de Enfermería	Spanish Trade Union of Nursing Professionals		Z	ES	http://www.satse.es/
Solidarność	Niezależny Samorządny Związek Zawodowy „Solidarność”	(Independent and Self-Governing Trade Union Solidarność	Solidarita	O	PL	https://www.solidarnosc.org.pl/
TEXFOR	Confederación de la Industria Textil	The Confederation of Textile Industry employers		Z	ES	https://www.texfor.es
TUC	Trade Union Congress			O	UK	https://www.tuc.org.uk/

U2P	Union des entreprises de proximité			Z	FR	https://u2p-france.fr/
UBES	Unión Balear de Entidades Sanitarias	Balearic Union of Health Entities		Z	ES	http://www.ubes.es
UEAPME	European Association of Craft, Small and Medium-Sized Enterprises		Evropská asociace řemesel a malých a středních podniků	Z	EU	http://www.ueapme.com
UEL	Union des entreprises luxembourgeoise	Union of Luxembourg Enterprises		Z	LU	
UIL	Unione Italiana del Lavoro	Italian Labour Union		O		https://www.uil.it/
UILTuCS	Unione Italiana Lavoratori Turismo Commercio Servizi			O	IT	https://uiltucs.it/
UNICE	Union of Industrial and Employers' Confederations of Europe		Svaz evropských konfederací průmyslu a zaměstnavatelů	Z	EU	V roce 2007 změnila název na BUSINESSEUROPE.
unionlearn	Union Learning Fund			J	UK	https://www.unionlearn.org.uk/
UNISON	UNISON, the public service union			O	UK	https://www.unison.org.uk/
UNI-Europa	European services workers union			O	EU	https://www.uni-europa.org/
ver.di	ver.di			O	DE	https://www.verdi.de/
WKO	Wirtschaftskammer Österreich	Austrian Federal Economic Chamber		Z	AT	http://www.wko.at

Abbreviations: O = employee representative, union; Z = employer representative; J = other; INT = international, multinational

Annexe 2: Sociological surveys used—brief description

Eurobarometer 2251/493, discrimination in the EU

Link to the dataset: https://data.europa.eu/data/datasets/s2251_91_4_493_eng?locale=cs

In May 2019, a thematic survey was conducted with 27,438 respondents—EU citizens aged 15 and above, exceeding the framework of regular EUROSTAT surveys. The set of respondents was acquired by random stratified sampling. The so-called NUTS II regions served as a basic unit of stratification, with respondents being randomly contacted for surveying. The questionnaire was completed in the respondents' mother tongues and in their households, using a computer (the CAPI method— Computer Assisted Personal Interview). The survey contained a number of questions asked in similar surveys, conducted in 2006, 2009, and 2015. The questionnaire included questions assessing the following topics:

- danger of discrimination, faced by the respondent themselves or the social group with which they identify;
- perception of discrimination and its scale in the respondent's country; views of discrimination and of individual social groups which can become victims of discrimination;
- view of LGBT people, their presence in the public, and their rights;
- view of the Roma, of co-existing with this group of people;
- personal experience with discrimination;
- assessment of equal opportunities in the workplace, including the attitude of employers towards preventing discrimination, or rather toward promoting workplace diversity;
- evaluation of national anti-discrimination measures and policies.

Abbreviations—code of countries surveyed by Eurobarometer 2251/493 (2019)

Code	Country	Code	Country
AT	Austria	HU	Hungary
BE	Belgium	IE	Ireland
BG	Bulgaria	IT	Italy
CY	Cyprus	LT	Lithuania
CZ	Czechia	LU	Luxembourg
DE	Germany	LV	Latvia
D-E	Former East Germany	MT	Malta
D-W	Former West Germany	NL	Netherlands
EE	Estonia	PL	Poland
EL	Greece	PT	Portugal
ES	Spain	RO	Romania
EU28	28 EU Member States	SE	Sweden
EU28-UK	28 EU Member States, without the UK	SI	Slovenia
FI	Finland	SK	Slovakia
FR	France	UK	United Kingdom of Great Britain and Northern Ireland

Sixth European Working Conditions Survey: 2015

A thematic Eurofound survey was conducted from February to December 2015 in 35 European states; apart from the 28 EU states, inhabitants from 5 EU candidate states were surveyed—Albania, Montenegro, Northern Macedonia, Serbia, and Turkey. Norway and Switzerland were also included. In total, 43,850 people were surveyed, employees and the self-employed, all aged 15 and above. The set of respondents was acquired by random stratified sampling. The so-called NUTS II regions served as a basic unit of stratification, with respondents being randomly contacted for surveying. The questionnaire was completed in the respondents’ mother tongues and in their households. The survey has been conducted every five years since 1991, using a questionnaire, with minimal changes in the questions, covering the following subjects:

- exposure to physical and psycho-social risks;
- subjective effect of work on the respondents’ physical and mental health;
- work organisation, working hours;
- employee development;
- work-life balance;
- relationships in the workplace.

Abbreviations—code of countries surveyed by Eurobarometer 2251/493 (2019)

Code	Country	Code	Country
AT	Austria	HU	Hungary
BE	Belgium	IE	Ireland
BG	Bulgaria	IT	Italy
CY	Cyprus	LT	Lithuania
CZ	Czechia	LU	Luxembourg
DE	Germany	LV	Latvia
D-E	Former East Germany	MT	Malta
D-W	Former West Germany	NL	Netherlands
EE	Estonia	PL	Poland
EL	Greece	PT	Portugal
ES	Spain	RO	Romania
EU28	28 EU Member States	SE	Sweden
EU28-UK	28 EU Member States, without the UK	SI	Slovenia
FI	Finland	SK	Slovakia
FR	France	UK	United Kingdom of Great Britain and Northern Ireland
HR	Croatia		