

Women and Employment: A Comparative Study of American and Czech Women

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ABSTRAKT

Tato bakalářská práce se porovnává české a americké ženy v oblasti zaměstnání v kontextu historického vývoje od minulosti po současnost. Práce se zaměřuje na postavení žen na pracovním trhu, na změny ženských rolí a změny ve společnosti. Dále porovnává a rozlišuje strukturu a právní úpravy v oblasti zaměstnání, s ohledem na rovné příležitosti v odměňování, postavení v pracovně právních vztazích a práv týkajících se těhotenství a mateřské odpovědnosti.

Klíčová slova: žena, trh práce, pracovní podmínky, pracovní právo, historie, rodina, diskriminace, Spojené státy americké, Česká republika, srovnání

ABSTRACT

This thesis makes the comparison between Czech and American women in the workplace in the context of historical development from past to the present day. The work focuses on the status of women in the labor market, changes in women's roles and changes in society. Furthermore, it compares and contrasts the structure and legal regulation of employment with regard to equal opportunities in pay, status in employment relationships and rights relating to pregnancy and responsibilities of motherhood.

Keywords: women, labor market, working conditions, labor law, history, family, discrimination, United States, Czech Republic, comparison

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INTRODUCTION

The issue of women's participation in the labor market is nowadays current and discussed topic. Labor market was, is and will be the major element involved in the society and thereby helps to create a social environment. For woman, one of the most important opportunities of labor market participation is the job. Job position also gives them a certain status, a certain identity. For most women it becomes the second important life value and women does not differ from most men according to the work importance nowadays. It is unquestionable that the involvement of women in the workforce is important for the whole society, the economy and ultimately for the women themselves.

The main issue of this bachelor thesis is to show the main similarities and differences in the women labor force participation in the Czech Republic and in United States. The aim is to introduce the status of women in the labor process from the perspective of the past and present. Also, I would like to draw attention to the inequality between women and men in the workplace, where women work is often underestimated and less appreciated and further I focused on differences in labor rights and working conditions relating to female employees.

1 HISTORICAL DEVELOPMENT OF THE STATUS OF WOMEN IN THE LABOR MARKET

From the historical point of view, the women's work is considered to be a part of the labor history, because of the organization into the social roles.¹ The status of women has passed a large transformation during the historical period and it would be good to mention of these changes. Woman was not always in the same position as she is today. Historically, a woman was always the one who took care of the fire and raise children, while her husband-hunter came home to eat after they brought food for the next days. This model has been applied in many different variations for thousands of years. In almost unchanged formation occurred all around the world. For a very long time, a woman was subordinate to her husband and had almost no rights, only obligations. Her abilities were underrated. Which experiences in the area of work and family has Czech women and how much they are similar or different from United States women? In this chapter I would like to point out the development of women labor participation during the history and also development of women employment.

1.1 Historical development in the Czech Republic

For centuries, the woman followed the customs, duties and orders that were ancient, of the nature or the authorities. She believed in God and was subordinate to her man, who at one time or another stage of her life was responsible for her. Public sphere, the world of politics, education, arts and sciences, and also labor related only to the fraction of women, and they were able to take advantage of this benefit properly. Most of them gained an access to these spheres from the end of the 19th century.² For many Czech women, paid employment is considered to be a significant role from the end of 1950's. In the communist era, the idea of full employment was promoted since 1948 and it lead to mass entry of women to the employment. Before the World War II, there were only less than a third of female workers.³

¹ Helena Znaniecka Lopata, Cheryl Miller, and Debra Barnewolt, *City Women In America: Work, Jobs, Occupations, Careers*, (New York: Praeger, 1984), 19.

² Milena Lenderová, *Žena v českých zemích od středověku do 20. století*, (Praha: Lidové noviny, 2009), 5

³ Alena Křížková, et al., *Pracovní dráhy žen v České republice*, (Praha: Sociologické nakladatelství SLON, 2011), 10.

1.1.1 Women and work in society in the medieval times until 18th century

At this time, the word “work” had not exactly the same meaning as it has nowadays. In this concept, the meaning was more like physical work, activity that provided people what they needed for life. Work in this concept could take various forms – from hard physical toil, which were poor people convicted from the Middle Ages to the 20th century, to embroidery, baking bread, consecration of the grave, asset management and governance. If woman was married, she was a helper of her husband. Kind of the working activity and physical burden was dependent on social status of her husband. If she was not married, she focused on activities like education, learning to do housework or she worked for the purpose of obtaining livelihood and savings. Waiting for groom could become involuntary celibate life. In the second half of the 19th century there was a great amount of these girls. They started to represent a social problem that concerned the whole society. It was needed to be tackled by the law, a woman's right to adequate education, skilled jobs and decent position in the labor market. Women's work became public thing.⁴

The Hussite revolution in 1419 was the cause of the entry of medieval women into the world of employed. There was a radicalization of the poor people and there were a high percentage of women between the waged working people. New cities were built where people came to find work. Women who lived alone lived by either as maids and damsels, or as small craftsmen or worked at home with their men.⁵ There was a permanent influx of people into cities in this period. Due to the interrelated nature of the countryside, women often worked in agriculture in the city or its vicinity. In Prague, which had 30-40000 inhabitants in the second half of the 14th century, large labor force participation was needed, not only in craft production and trading business, but in the tertiary sector, where women worked as servants, maids or damsels. In the cities of the High Middle Ages women worked for wages in the textile, food and other crafts and in the pubs.⁶ A special field of activity was the education of children, where women were accepted especially in aristocratic and bourgeois families.⁷ Women had either day work or worked for longer time, for half a year or a one year. In this period, we already encounter discrimination in pay. Women's wages were about half or more lower than men in the same position. The

⁴ Milena Lenderová, *Žena v českých zemích od středověku do 20. století*, (Praha: Lidové noviny, 2009), 358

⁵ *Ibid.*, 359.

⁶ *Ibid.*, 362.

differences were evident mainly due to economic reasons - poor women demand for labor was in fact higher than supply.⁸

The role of women as mothers and housekeepers occurred mainly in the upper and middle class. Differently it was in the countryside and in the lower classes, where only father's income was not enough, and women were directly involved in the production. Among the typically female jobs were included assistance in the man's workshop, joint ventures and management of companies themselves, if there was a widow. Women also worked extensively in food and textile crafts. In the 17th century, woman got an authorization to sell products of the craftsmen she married.⁹ A common occupation in modern times was a seamstress, which was considered as a craft. Among other career there was also included bobbin lace or spinning.¹⁰ Interesting fact is that legal standards with a strong female economic activity did not count. From women were required to be pious, hardworking, gentle wife and a good mother and housekeeper, but in the consciousness of women's business activity it was not unusual and unnatural, it was obvious and it was to be so.¹¹

1.1.2 Working life in the 19th and beginning of the 20th century

Demographic, social and economic reasons led to the fact that during the second half of the 19th century women's demand for labor was so strong that it became one of the major social phenomena. It came out a few decades after the middle layers stabilize the ideal wife and mother in the home. There were protests against the expansion of professional women across Europe.¹² There was a view that the job is something degrading for a woman, withdrawing her femininity and makes it morally suspect and the woman loses the attributes of womanhood. Work for earnings contradicted political and economic theory of the family wage, which brought the late phase of industrialization. Economists, politicians, trade unions and workers promoted working wife and housekeeper. The women work was intended for family-friendly management of man's earnings and women had to ensure adequate consumption and standard of living. However, the state did not correspond to

⁷ Milena Lenderová, *Žena v českých zemích od středověku do 20. století*, (Praha: Lidové noviny, 2009), 364.

⁸ Ibid., 365.

⁹ Ibid., 369.

¹⁰ Ibid., 370-372.

¹¹ Ibid., 376.

¹² Ibid., 377.

reality and ceased to be compatible with the idea of personal freedom. In this period, women's world of professionalization took place as part of the overall professionalism of the profession, and this process continued over three to four decades before the First World War.

The term paid wages was in 19th century variable and wide. Basic legal level settled universal Civil Code in the Habsburg monarchy in the first decades of the 19th century which began to consider a contract as a contract of general type concluded voluntarily and with full knowledge of the conditions. The qualification requirements were determined by each employer and could otherwise be very specific. For a long time they limited the opportunities of women in the world of paid work. If women did not reach higher or specific education, she had only little chance to apply in a number of professions. However, the number of women that penetrated into higher qualifications increased. Women with no qualifications were employed as maids, wet nurses or workers.¹³

Women began to work in the newly established factories. During the 19th century the socio-professional group of workers has grown rapidly - factory labor. The factory was a foreign element that resembled a primarily urban environment. In this group there were created many chances for career opportunities for women. Women's work here was used routinely and extensively. At the beginning of the industrial era, when factory production built primarily on the use of manpower, whose volume represented one of the main evaluation criteria, the woman was in a disadvantageous position. Physical strength did not amount to the male. Thus the woman was less valuable to employers and less paid work force. The attitudes developed a general principle. It remained in force even after the machines in the factories appeared. It persisted even to the time when manpower was needed and many women were paid less and for activities that did not require physical strength.¹⁴ Employees had relatively short periods of work which was an advantage and a constant and actually paid wages. However, there were significant protests against women in factories. The situation changed at the turn of the century - women increased workers impact on employers and helped assist in the fight for better working conditions and unions began to emerge.

¹³ Milena Lenderová, *Žena v českých zemích od středověku do 20. století*, (Praha: Lidové noviny, 2009), 378-379.

¹⁴ *Ibid.*, 404-405.

The turn of the 60's and 70's of the 19th century represented a turning point. Questioning of necessity of employing women did not appear. Calling for professional education represented calling for economic dependence. It threatened the dominance of men disrupt the family structure and the established social order. The first attempt to allow to woman earnings of skilled labor, was the establishment of courses for girls, which later became a women's school career. Lessons were sewing, drawing, engraving, accounting. However, for graduates, there were few jobs and craftsmen were afraid to accept them. Gainful activity could be performed at home later and therefore the courses met with success and more similar philanthropic associations began to appear.¹⁵

The change in the perspective on a woman caused economic, social and demographic developments. The view of women was necessarily turned to the labor market. The company has adopted the idea that even unmarried and widowed women should be offered a dignified existence. Establishment of girls' vocational education unhindered, except that the profession suitable for women were virtually non-existent. It was need to be interested in the profession that was viewed as masculine. In 1870, the first public school ending with graduation for girls was opened. In 1871 Czech Society Production was established- it was the girls' own trade and industrial school, classes were held here for educators and nurses and from the start it worked with employment agency. The association had substantial support from the public.¹⁶ There was a permanent link to traditional female virtues, adequate education and patriotism, family care, care of man, who works for the public, for the nation.¹⁷

The woman involved in family income, which was evident only at lower and lower middle classes, and this enabled the performance of white-collar employment. Women started to work as a clerk or painter. Profession of officers was until the early 20th century infrequent. The first high tide came at the turn of the century. Private economic operators began to keep women as a clerk just at the late 19th and 20th centuries when on the labor market appeared enough educated girls. The reason seems to be that for the same work done they were able to pay less money than it was for men. Labor of officers was increasingly becoming the domain of women. Education required investment and not

¹⁵ Milena Lenderová, *Žena v českých zemích od středověku do 20. století*, (Praha: Lidové noviny, 2009), 419-421.

¹⁶ Ibid., 421-422.

everyone can afford it. Just a girl who's family made it possible. Before the First World War, the investment in the education of daughters was planned. Only in the first decade of the 20th century the girl ceased to be the exception with higher education and the emergence of new clerks became a reality.¹⁸

1.1.3 Women labor participation during World Wars and after World War II

During the World War I, a strong mobilization of human resources took place - millions of soldiers were diverted. They were replaced by all those who could work. Women had the new role, the new position in society. They had also considerable financial worries. Housekeepers and mothers faced food shortages. Rural areas were involved in the nutrition of the city, which was required by law. From 1914 commodity prices increased. Adverse developments in the labor market were offset by the strong performance of female labor. Village women seized hoes and shanks, worked with machines, urban women represented their men in the craft shop, shops or worked in factories. Some factories were closed due to lack of raw materials or restrictions on production occurred. Women also worked in non-manual occupations - in offices, banks, shops, shoemaker workshops. Employment of women in traditionally male occupations provoked protests that drew attention to the moral hazard of women in the industry, their physical health and the possibility of neglect of children when mothers work full-time. They worked unbearably long hours, they had double burden – they had paid physically hard work and unpaid care of children and household. Social impacts become moderate trying different supplements to wages – to clothes, housing and children. Wives of soldiers received maintenance allowances, widows' pensions. However they never reached the level to cover the basic needs. Woman had to deal with the ideology, representing the war as an inevitable issue. She can provide warmth, food. This was the case of all social strata.¹⁹

However more attention occurred after the World War I. Women did not get higher-skilled and better paid jobs. However, they worked as the forewoman. Their job was at the lower position in the factory, but with higher powers and remuneration. The only

¹⁷ Milena Lenderová, *Žena v českých zemích od středověku do 20. století*, (Praha: Lidové noviny, 2009), 423.

¹⁸ Ibid., 424-426.

¹⁹ Ibid., 353-355.

qualification required to work in a factory was reading and writing in their mother tongue at that time.²⁰

Because of the idea of full employment and mobilization during the World War II, a large increase of female employment was caused after 1948. While in the 1948, there were 37, 4% female workers, in 1959, it was 42%. Even though the economy was based on industrial manufacturing, women entered not only in industry sector, but also the agriculture and services. Women in this period were of the mainly low-skilled positions and have very low wages. This was caused also by the fact that most women at that time were only a basically educated. In this period, the feminization of some fields has occurred, such as education and healthcare.

Legal obligation to work was established in 1962. For women with small children, however, was an exception. Because of the centrally planned economy there was low labor productivity and incomes policy did not allow families to maintain their standard of living with only one income in the family. Due to this fact the state began to build, finance and regulate child care facilities, such as crèches or nursery which was easier for mothers to return to their jobs. Maternity leave was set to 18 months in 1956 and most of the women were willing to return back to the job after the child care.²¹

In the end of 1960's, there was high female employment as a part of the life style in the Czechoslovakia. In 1970 women were accounted for the 45, 5% of all the employed.²² Education of women started to be higher and this lead to lower priority of the agriculture and women were more involved in the sector of public services and non-manual job positions. On the other hand, incomes of women were mostly much lower than incomes men. This was caused by men participation in higher positions and male breadwinner ideology.

In addition to employment, women had to also take care of the household. However there were child care facilities, demand was greater than offer, and this has resulted in an

²⁰ Milena Lenderová, *Žena v českých zemích od středověku do 20. století*, (Praha: Lidové noviny, 2009), 406-407.

²¹ Alena Křížková, et al., *Pracovní dráhy žen v České republice*, (Praha: Sociologické nakladatelství SLON, 2011), 10-12.

²² Alena Křížková, et al., *Pracovní dráhy žen v České republice*, (Praha: Sociologické nakladatelství SLON, 2011), 12.

inability to combine work and care. For this reason maternity leave has been extended and the state also introduced a maternity allowance.²³

1966 was the year of many changes. It was established the opportunity to work part-time, despite the fact that it wasn't used very often and full time job predominated. Prohibition of dismissal from employment of women with children younger than one year, obligation of the employer to take a woman back on her job after returning from maternity leave became lawful and at the same time were defined types of work that cannot perform pregnant women and mothers of young children. Employers had limited opportunity to send the mothers on business trips and required working overtime. In comparison with 1950's, 1960's put more emphasis on the maternal role of women.²⁴

1.1.4 Situation after Velvet Revolution

Czech labor market has undergone extensive post-1989 changes. Czech Republic has undergone through gradual transformation in 1990's, which experienced a reform called the Big Bang. In the period 1990-1992 there has been stagnation and political situation, which in 1993 resulted in the division of Czechoslovakia into two independent states - the Czech Republic and Slovakia. The unemployment rate was very low, around 2%. This period was marked by preparations for capitalist competition rules. In the years 1993-1998 there was privatization of state assets, many companies yet operating disappeared. The unemployment rate increased to 7% and also there was a strengthening of the tertiary sector compared to the primary and secondary. After 1999, the unemployment rate reached 10%. Czechs went for better paid jobs abroad while there was a labor migration to the Czech Republic from Eastern Europe countries.²⁵

²³ Alena Křížková, et al., *Pracovní dráhy žen v České republice*, (Praha: Sociologické nakladatelství SLON, 2011), 12.

²⁴ Alena Křížková, et al., *Pracovní dráhy žen v České republice*, (Praha: Sociologické nakladatelství SLON, 2011), 12-13.

²⁵ Alena Křížková, Andrew M. Penner, and Trond Petersen, „GENDEROVĚ NEROVNOSTI V ODMĚŇOVÁNÍ NA STEJNÉ PRACOVNÍ POZICI: SOCIÁLNÍ VYLOUČENÍ ŽEN. (Czech).“ *Gender, Equal Opportunities, Research / Gender, Rovne Prilezitosti, Vyzkum* 9, no. 8 (December 2008): 57. *Academic Search Complete, EBSCOhost*, (accessed October 31, 2012).

Position of women in the labor market was weaker in comparison with men. Female unemployment has always been about one third higher than that of men. Czech women had not left labor market in large numbers, as was originally expected, but throughout the transition period until the entry of the Czech Republic to the European Union, women made up nearly half the workforce. After 1989 there was a decline in employment in industry and agriculture and the service sector began to strengthen. The proportion of female employment in the tertiary sector was around 30% between the years 1993 to 2005, depending on the economic situation in the country and cuts in public finances. In the public services sector, which is characterized as feminized due to low salaries, low prestige and less frequent employee benefits, there was a visible increase of women employees in the years 1993 to 2005.²⁶ In this period there was a changing of policies to push mothers of young children from the labor market. This effort led to the extension of parental leave for up to four years and the absence of care facilities for children under 3 years of age. Czech Republic became a country with the highest negative impact of motherhood on female employment in Europe.²⁷

Transformation of the Czech economy has led to greater individual wage differentiation. Move to the western model of job rewarding was in 1990's faster in private companies with foreign owners. In financial services and justice the increase of wages was stronger than in health care, education and social services. The onset of labor market reforms in post-socialist countries is not gender-neutral process and the Czech Republic was and is the country with the highest gender wage difference compared to other EU countries. In 2004 the Czech Republic joined the European Union and one of the main conditions of entry to harmonize Czech legislation with the *Acquis communautaire* EU directives. The amendment to the Act of 1999 has entered into force on the prohibition of discrimination based on sex and obligations of equal pay for women and men.²⁸

²⁶ Tomáš Sirovátka and Ondřej Hora, *Rodina, děti a zaměstnání v české společnosti*, (Brno: Albert, 2008), 180-181.

²⁷ Alena Křížková, Andrew M. Penner, and Trond Petersen, „GENDEROVĚ NEROVNOSTI V ODMĚŇOVÁNÍ NA STEJNÉ PRACOVNÍ POZICI: SOCIÁLNÍ VYLOUČENÍ ŽEN. (Czech).“ *Gender, Equal Opportunities, Research / Gender, Rovne Prilezitosti, Vyzkum* 9, no. 8 (December 2008): 57. *Academic Search Complete*, EBSCOhost, (accessed October 31, 2012).

²⁸ *Ibid.*, 57-58.

1.2 Historical development in United States

There were momentous changes in labor market during American history. Since 1880's, the number of paid work increased and from World War II there was a rapid climb. As in 1900, fewer than one from five workers were women, nowadays it is almost half. Women entered the labor in unexpected numbers but they were not equal to men. The growth of women participation in to labor force for the last two centuries was caused by the long-run changes in economy. The main changes were the Industrial Revolution, the rise of white-collar work, better education and the decline in fertility.²⁹ Many women in United States were working at home, in the farms. What lead to negative effects on labor force activity was that women were married and had children, they stayed at home, they followed traditional life of family life, marriage and childcare and they did not entered the labor. In the early 20th century, women usually had a job outside their homes before they were married and had children. From the year 1940, participation of women in the labor market increased and they were willing to work.

1.2.1 Situation during the colonial times until the 19th century

Life in the American colonies was difficult and everyone had to lend a hand to have everything they needed to live. There was bigger amount of men than women, and family life was relatively unstable. The work was required, and it meant that everyone had to do some job. The work, which should maintain a family was challenging for all people. While women are usually cared for home, preparing food, sewing clothes, made candles and soaps, caring for domestic animals and garden, men held primarily agricultural work, repairing various tools and protected the family from a variety of threats, such as the wild animals, or also Indians. But they were always linking their work mutually. When the husband had done the work in the field, he was helping with spinning, and women worked in the fields again when it was needed. The colonists had their own ideas about the role that the woman should hold. Women were considered to be weaker. They did not have so much physical strength as men. They could not even vote, had opportunities outside the home. It was expected from them, they will be obedient to her husband and children. The family

²⁹ Claudia Goldin, *Understanding the gender gap: An Economic History of American Women*, (New York: Oxford University Press, 1990), 3.

was the center of the economic system and it was quite unusual, if a woman was not married at the end of the 17th century.³⁰

Role of the wife in the household was in second place after her husband's work.³¹ There was the lack of women living in the colonies and therefore they were a very important part of the family. However, at the time of colonization, there were many cases where women had their economic rights so that they can do business, they were more than housewives. And even though American women in this period could not be considered as equal to men, as it was elsewhere in the European countries, they were sometimes in the better position. In the 1750's women began to work in manufactures. Poor, unmarried women usually held the position as maid. They served usually for four to seven years. The girls were employed as maids from 8 years of age. This work consisted of spinning and weaving, but mostly they learned these things, because they did not had the appropriate skills. The reward of the work was price of survival - the room in which they lived for serving. There were different laws for servants than the slaves. There were certain boundaries. Servants received regular food and clothing, they had a contract with the employer with exactly given conditions and punishments were forbidden.³²

The American Revolutionary War was a war between Great Britain and thirteen British colonies in North America. It lasted from 1775 - 1783 and was called the War of Independence. This war was conducted to ensure that the colonies became independent country. In this war also women has her role and had responsibility for the care of the household, but also for finance, business and family care. Between 1760 and 1770 the American colonies began to boycott goods from Great Britain. They did not want to be sponsored by the country from which you wish to become independent. The boycott was very successful, since women began to produce these products themselves at home.

For most American women revolutionary era featured the work at home. Man had always been the head of the family and women had a supporting role. And if they were not married, they assisted their parents or were subordinated their masters. Women feeding the family, took care of the household, the children, and also worked as midwives and nurses.

³⁰ Alice Kessler-Harris, *Out to Work: A History of Wage-Earning Women in the United States*, (New York: Oxford University Press, 1982), 5-7.

³¹ *Ibid.*, 7

³² Alice Kessler-Harris, *Out to Work: A History of Wage-Earning Women in the United States*, (New York: Oxford University Press, 1982), 8.

Most goods were produced in the home and only a few were purchased, such as salt, tea, knives, nails. On the contrary, soap, candles, food and clothing was from domestic production. It took them many hours, so for them was life very laborious. The main work of women included knitting, sewing, cooking, baking. These women performed work in both urban and rural areas. In the cities, the material was more widely available, which means time savings for those who could afford it.³³

Although women could freely express themselves, they were still covered primarily in the domestic role and this role has been significantly influenced by society. However, this role was even more important. It was valued that a woman can take care of the home and create the right conditions for life. Women outside the home were considered less feminine and less acceptable. The result was that women were accepted into the jobs associated with the household.³⁴

1.2.2 Slavery of African-American women

In this chapter I would like to focus on slavery of American women that I consider as one of the major differences between American and Czech women from the historical point of view. For women, slavery was a horrible experience as well as for men. They were ripped from their homes and from their families had to perform very heavy work, were exposed to high physical and mental stress and their rights denied them. They were treated as property and violence against them was common.

But despite these facts, the conditions of slavery were different for men and for women. Women slaves were brought to America not for labor, but because that they kept company with men slaves. Later on women slaves were began to buy more because they were cheaper and the women were at a considerable superiority over men. They worked mainly in agriculture, plantations. On small farms, mostly women did the same work as men, while in larger farms, the work was divided. Colonies were mostly agricultural and slaves worked in the fields, performed planting and the work was much more demanding. In New England female slaves worked primarily in the home, they performed works like nursing, child care and cooking.

³³ Alice Kessler-Harris, *Out to Work: A History of Wage-Earning Women in the United States*, (New York: Oxford University Press, 1982), 23-25.

³⁴ Alice Kessler-Harris, *Out to Work: A History of Wage-Earning Women in the United States*, (New York: Oxford University Press, 1982), 25.

Daily work and poor living conditions have resulted in the slaves did not live the high life. In the southern colonies there was the work of most slaves. The basis of slave labor was work on the plantations. In the years before the American Revolution, slave population grew because of the reproduction. Slaveholders realized that this would be gained profit for them. If female slaves had children, they became the property of the slave owner, and therefore women were often sexually abused. Slavery was abolished in the United States in 1865, with the ratification of the 13th Amendment.

1.2.3 Labor participation during the Industrial Revolution and Civil War

At the beginning of the 19th century, job opportunities were very limited. The rural lifestyle was mainly prevailing and most families depended on agriculture to survive. Industrialization, which began in New England, created new economic opportunities for the development of industrial cities. Women from rural areas of the cities were engaged in paid work at home and outside the home. They performed same work as before industrialization - on farms, and they also work in the industry, which was in accordance with these original jobs.³⁵

The work of women during the 19th century was spread and various working organizations for women of different professions were created. In rural areas, agriculture and work at home belonged to the main employment among the women. During the 19th century work from home and production of various goods was the source of livelihood for many families. Women had a major role in the textile industry. They still purred substances, but not only from home, but also in factories. These factories were mill societies and communities of workers.³⁶ Although there was the beneficial extra income for the family, women were not fairly compensated for their work and working hours. Working time of women was often from 5 am to 7 pm.³⁷ Therefore they also began to organize the enforcement of working conditions. Women were also often met with discrimination because the society was of the opinion that women are inferior to men. They were rejected and it was very difficult for them to tolerate oppression of that time.

³⁵ Alice Kessler-Harris, *Out to Work: A History of Wage-Earning Women in the United States*, (New York: Oxford University Press, 1982), 58-59.

³⁶ Alice Kessler-Harris, *Out to Work: A History of Wage-Earning Women in the United States*, (New York: Oxford University Press, 1982), 32-33.

³⁷ Alice Kessler-Harris, *Out to Work: A History of Wage-Earning Women in the United States*, (New York: Oxford University Press, 1982), 38

American Civil War disrupted the lives of many women. While the men were at war, women had to take care of a household, eventually also on the farm, including heavy work that men did due to their physical structure.³⁸ Women stayed home, or during the war, followed their men in military camps, and began to be recognized as part of the Army and received benefits. There were many women who have played an important role in the Civil War. They were involved in supplying troops with food, clothing and medical supplies. They worked as cooks or nurses who cared for soldiers.³⁹ While husbands were in the military, women remained worried about the family business. The works that were done by men began to be done more by women instead of them.

Originally husbands were the breadwinners, but now this remained at women. This demonstrates a certain economic opportunities for women. Women gained a new role in working life.⁴⁰ The war had given women a chance to control their own lives, earning their own money and managing their own finances.

1.2.4 Women in the labor force during the World Wars and after World War II

At the turn of the 20th century there was the retreat of housework due to the industrial revolution and many women did the work done by maids before. In schools there were courses of housework in 1920's to meet the demands of women and girls in domestic work as an occupation.⁴¹ For the middle class women there was a significant increase of white-collar positions before the war started. This opened up many job opportunities for women. These white-collar jobs were the main sector of women's work and it even surpassed manufacture. For lower-class women, clerical work was better option than working in factories. At these positions there were better working conditions, working hours and higher wages.⁴²

For many women, the war was a liberating experience. They felt to be useful to society and it gave them the freedom and wages that had been enjoyed only by men. During the

³⁸ Alice Kessler-Harris, *Out to Work: A History of Wage-Earning Women in the United States*, (New York: Oxford University Press, 1982), 75.

³⁹ Steven McLaughlin, et al., *The Changing Lives of American Women*, (Chapel Hill: The University of North Carolina Press, 1988), 18.

⁴⁰ Alice Kessler-Harris, *Out to Work: A History of Wage-Earning Women in the United States*, (New York: Oxford University Press, 1982), 75-76

⁴¹ Steven McLaughlin, et al., *The Changing Lives of American Women*, (Chapel Hill: The University of North Carolina Press, 1988), 21

war about 1.6 million women participated in the labor force of, in positions like at government departments, public transport, post offices, as a clerk in factories, and particularly in hazardous munitions factories.

Many middle and lower class women left the job soon while they were married. Some employers, mostly in schools, even refused to employ married women and dismissed female workers once they were married. The companies accepted a single working woman, but refused married working women. Interest in work by women was therefore only temporary. Women also usually did not hold both roles at once - the employee and the wife. Only 12% of employed women in professional positions were married. Therefore, some of them chose the celibate careerism than the role of mother and wife. From 1920 to 1930, three-quarters of women who had have a professional job position worked as teachers, nurses and other typically female professions.⁴³ There was still the difference between the employment opportunities for men and women. Employers were denying women the right to work and men were in employment preference than women. And the public was still opposed to married women looking for work. However, employment for them meant maintaining living standards.⁴⁴

Before the United States entered the Second World War, the government has had the contract for the construction of wartime allies. They entered the war almost from day to day and war production had to be increased in a very short time.⁴⁵ Automobile factories have been converted into factory of aircraft production, other new factories were built, and they all needed new workers. Initially, the company did not think that they might be required to employ women, but in the end they were needed due to the departure of many men to war. During the economic crisis, unemployment was high and most people were against women participation in the labor force because they thought that they stole work of unemployed men.

⁴² Steven McLaughlin, et al., *The Changing Live sof American Women*, (Chapel Hill: The University of North Carolina Press, 1988), 21.

⁴³ Steven McLaughlin, et al., *The Changing Live sof American Women*, (Chapel Hill: The University of North Carolina Press, 1988), 22.

⁴⁴ Steven McLaughlin, et al., *The Changing Live sof American Women*, (Chapel Hill: The University of North Carolina Press, 1988), 23.

⁴⁵ Alice Kessler-Harris, *Out to Work: A History of Wage-Earning Women in the United States*, (New York: Oxford University Press, 1982), 231.

At the beginning of the war, everyone agreed that there is a need of female workers. They also agreed that the participation of women in war industries will be only temporary. When the United States entered the war, 12 million women worked and by the end of the war there were 18 million. Most of the women worked during the war in the service sector, in typically female occupations. The number of women in skilled jobs was low. Jobs were mostly boring and poorly paid. Unlike men, women also worked at home and they had to take care for children and the typical family in the war consisted of the housewife and a wage earning husband.

Once women began to work on typically male positions, the men began to change attitudes. In addition, employers denied women positions of power excluding them from the decision-making process of the company. Women wanted to be treated like the male workers and not given special consideration just because they were women. As time went on, and more and more women entered the work force, the attitudes towards women workers changed.⁴⁶ Employers praised them. During the war, the image of women has changed, but the change was only temporary.

The changes brought by the war were not considered permanent. While the woman worker during the war was very important, pre-war image of wives and mothers in the household still has not disappeared. Society women still reminded of how convenient it is for them the ability to take care of the family and household. The reality was that most women returned to being homemakers during the prosperity of the 1950s.⁴⁷ However, the road taken by women in the work force during World War II continued into the future.

⁴⁶ Alice Kessler-Harris, *Out to Work: A History of Wage-Earning Women in the United States*, (New York: Oxford University Press, 1982), 231-232.

⁴⁷ Alice Kessler-Harris, *Out to Work: A History of Wage-Earning Women in the United States*, (New York: Oxford University Press, 1982), 248-249.

2 CURRENT LEGISLATION OF FEMALE EMPLOYEES LABOR RIGHTS

The concept of working conditions encountered at every step and it plays a very important role in our lifetime. Therefore, it is necessary to take care of them and ensure their adequate treatment. Precondition for the proper performance of work is satisfactory collateral.⁴⁸ Properly secured conditions have impact on the quality, quantity and safety undoubtedly. And it has also impact on the productivity of labor development and production efficiency.

With working conditions a person may become self-fulfill in the working process and learn new knowledge, work production and apply their skills. And so we find enactments in Labor Code concerning working conditions. Here is classified for example working time, annual leave, night work, etc. Those groups, which we need to provide increased protection is given to enactments the Labor Code of the special working conditions.⁴⁹ For working conditions we can consider any phenomenon which is so tied in relation to part of the working process, their role in this process strengthens or weakens.⁵⁰

2.1 Working conditions of female employees

An important social woman right is the right to special working conditions, whose execution is reflected in the fact that the state transfers its obligations to its authorized institutions or employers. Special working conditions are specific conditions that are in the interests of the protection of employed women differing from the general working conditions.⁵¹

In Czech Republic, these two factors are very much apparent in the pregnant workers and women - mothers of young children, and therefore the legislation addresses this problem differently, both for women in general and for pregnant workers, workers-mothers of young children who are given increased protection in labor relations. In the Czech

⁴⁸ Petr Hůrka, et al., *Zákoník práce a související ustanovení občanského zákoníku s podrobným komentářem k 1. 4. 2012*, (Olomouc: Anag, 2012), 22.

⁴⁹ Petr Hůrka, et al., *Zákoník práce a související ustanovení občanského zákoníku s podrobným komentářem k 1. 4. 2012*, (Olomouc: Anag, 2012), 22-23.

⁵⁰ Petr Hůrka, et al., *Zákoník práce a související ustanovení občanského zákoníku s podrobným komentářem k 1. 4. 2012*, (Olomouc: Anag, 2012), 493.

⁵¹ Petr Hůrka, et al., *Zákoník práce a související ustanovení občanského zákoníku s podrobným komentářem k 1. 4. 2012*, (Olomouc: Anag, 2012), 492.

Republic, the working conditions of workers are covered in section tenth - Chapter Four of the Labor Code. The second part includes adjustment of working conditions of workers in general, a third part focuses on the working conditions of workers mothers, employees caring for children and other individuals, the fourth episode in this context refers to breaks for breastfeeding.

Functions which are ensured by these conditions, tries to create an equal status between men and women in all sections of the community work, with regard to its special status. Here, as mentioned above, we must take into account the physiological peculiarities workers and especially their maternal role.⁵² The state should implement this equality extra care especially in matters of financial security, health and cultural levels, in connection with the right to work.

In the Czech Republic, protection of women at work follows the basic objective of the woman was not exposed to increased risks at work, which could cause a reduction in its ability to be a mother or reduce its fertility. Women may not be employed by all the work that men do. Women are different from men both physiological traits, but also because of the mission of women as mothers. The main way to improve working conditions for women is not doing strenuous and heavy work, work which is harmful to health and those in which women are at increased risk of injury, or those that could cause a permanent reduction in fertility. Women may also be employed in work which is physically unreasonable for them or hurting their body, especially work that endangers their maternal role. Specific work of women is therefore primarily caused by biological factors - women are generally more sensitive to some jobs and the workplace. In the Czech Republic, The Ministry of Health directly identifies sites that are prohibited to women who are breastfeeding, pregnant women and mothers in the ninth month after childbirth.⁵³

On the other hand, American Labor Code does not specify a defined set of conditions and the specific working positions which women can and cannot do. Due to the rights women can work at any position you choose.

⁵² Ann Oakleyová, *Pohlaví, gender a společnost*, (Praha: Portál, 2000), 100.

⁵³ Petr Hůrka, et al., *Zákoník práce a související ustanovení občanského zákoníku s podrobným komentářem k 1. 4. 2012*, (Olomouc: Anag, 2012), 506-507.

2.2 Pregnancy and childbirth

Creating different working conditions for female employee, especially for pregnant workers, workers mothers of young children are among the primary interests of the company. If these conditions are not created, it would be just formal equality, but these fragile bodies of employment law require very specific protection. The definition of this concept is very similar to the definition of the specific working conditions of female employees with the only difference being that instead of female employee is by itself a pregnant employee or female employee's mother of young children and social protection are not large, but relates to pregnancy, maternity and child care. These conditions have essential socio-medical nature, as with the bans of specific work protects women from various harmful effects that could disrupt or compromise the functionality of the organism of the female employee. Most provisions of this type in the area of labor produce mainly maternity protection possible, therefore preventive character.

In addition to the functions mentioned above, which performs these special conditions for pregnant workers and workers of mothers treated even increased health and social protection of the entity due to its pregnancy, maternity and child care is absolutely necessary to be much more difficult social integration of women than in women others. In this case, however, the protection is much more intense. Woman of maternity, which is its mission, would not suffer from existential fears and anxieties due to loss of employment.⁵⁴ These working conditions can be divided into several groups, depending on the object of providing special protection where there are two groups.

Into the first can be included in the working conditions that primarily provide protection of health. These conditions protect labor relations of pregnant workers and mothers for their duration. This includes prohibitions on certain types of work for these employees, bans on overtime and night work and prohibition of employment of female employees in the postpartum period.⁵⁵ Among the social reasons, leading to the protection, is included prohibiting of the refusal of acceptance of female employees to work their way through it because of pregnancy or breast-feeding, provision of maternity leave or returning

⁵⁴ Petr Hůrka, et al., *Zákoník práce a související ustanovení občanského zákoníku s podrobným komentářem k 1. 4. 2012*, (Olomouc: Anag, 2012), 508-509.

⁵⁵ Ann Oakleyová, *Pohlaví, gender a společnost*, (Praha: Portál, 2000), 105.

employee after maternity or parental leave, to original or a similar job and thus maintaining continuity of employment after a certain time of the birth.⁵⁶

The second group included those working conditions that ensure the protection of pregnant workers and workers mothers with changes in labor relations, such as the obligation to transfer pregnant workers and mothers of young age to easier work appropriate and specific relief for these employees for business trips or relocation to another site. This protection is provided again for reasons of health and social.⁵⁷

In the Czech Republic, to the original job the employee is entitled only after a period of maternity leave and parental leave. An employer is not required to offer the exact same place, only place that corresponds to the qualifications and experience, a place similar. This refers to female employees or employees who take parental leave - that is up to 3 years of age.⁵⁸ If the employee or the employee chooses to stay home with the child up to 4 years of age, then it is no longer parental leave, but the compensatory time off to which the employer must reach an agreement.

In the United States it is not so long since laws on the protection of pregnant workers had been introduced. If the employer did not want pregnant woman at work, he could fire her. If a woman wanted to return to work, she was not sure about having the original work. Today, things have much more changed for better and there are a number of federal and state laws protecting women during pregnancy. However, the discrimination against pregnant women still persists.

2.2.1 Maternity Leave

Maternity leave is the most prominent instrument of protection during pregnancy and healthy child development in the first weeks of his life. Its purpose is to provide time off in the last weeks of pregnancy, during birth and care for a newborn child, at a time when the mother of a child is irreplaceable. The right to maternity leave is a right of women who does not have to ask, but is required to employers to prove this fact. It is the parent's

⁵⁶ Ann Oakleyová, *Pohlaví, gender a společnost*, (Praha: Portál, 2000), 103.

⁵⁷ Petr Hürka, et al., *Zákoník práce a související ustanovení občanského zákoníku s podrobným komentářem k I. 4. 2012*, (Olomouc: Anag, 2012), 508.

⁵⁸ Tomáš Sirovátka and Ondřej Hora, *Rodina, děti a zaměstnání v české společnosti*, (Brno: Albert, 2008), 182.

responsibility to fill-in the scope defined by law, and responsibility of employer to give her this holiday.

In the Czech Republic, the most typical and most effective kind of specific health and social protection of pregnant workers and workers mothers in our labor law are on maternity leave. It is understood as requiring the employer to provide the initiative of the state-protected entity, that is female employee permanently caring for the child, special leave for some time without salary, above all necessary to ensure health protection for workers and the expected child in the last weeks of pregnancy and the first few weeks after, and also to ensure its equally important social protection for the interest of the child need of the first months of his life, and immediate intensive care. Maternity leave and parental leave is in our legislation conceived as a day off, which is granted to a woman in connection with pregnancy, childbirth and caring for a newborn baby. Parental leave is also provided to employees.

In the Czech Republic, maternity leave is compulsory leave and is governed by § 195 of the Labor Code. Maternity benefits, paid during maternity leave shall be granted a maximum of 28 weeks, respectively 37 weeks in the case of women who gave birth to more children at one time, and take care of at least two of them, or they are women single, widowed, divorced or for other serious reasons, lonely, not living with a spouse. First, you can get on maternity leave early 8th week before the expected date of birth.⁵⁹

Maternity leave is ranked among the institutions of labor law. It is one of the important personal obstacles at work, in which the employer excuse of absence from work. In the Czech Republic, during the 6 weeks before and 22 weeks after birth and during maternity leave female employee may not assign any work. The purpose of the social benefits is to ensure financial security of female workers who because of advanced pregnancy, childbirth and care of the newborn child cannot work and therefore have the right to wages. Maternity benefit is thus primarily an economic function by replacing these workers - lost wages.⁶⁰

The most important feature of maternity leave is its duration. At present, the length of maternity leave stabilized at 28 weeks, exceptionally, if a woman gives birth while two or more children, or in the case of a single mother, she has a maternity leave of 37 weeks.

⁵⁹ Petr Hůrka, et al., *Zákoník práce a související ustanovení občanského zákoníku s podrobným komentářem k l. 4. 2012*, (Olomouc: Anag, 2012), 446-447

Both the fixed period of the maternity benefit with the fact that female employee asks for it in the prescribed form on which the attending physician confirming the expected date of birth. Course of maternity leave a woman can discontinue, but no earlier than 6 weeks after birth.⁶¹

The situation in United States is different from the Czech. There is not paid maternity leave as it is known here and maternity leave does not have the economic function. Maternity leave is usually created from a variety of benefits that include sick leave, vacation, holiday time, personal days, short-term disability and unpaid family leave time. There is a short-term disability, a type of coverage that pays mothers workers wages or at least a portion of it, for a certain number of weeks because of medically related needs. Larger companies frequently include this benefit, and some states have mandates requiring that it is included in your benefits. Most companies also allow them to use their sick, vacation and holiday time towards the maternity leave. Among the most important laws concerning the protection of pregnant women are The Pregnancy Discrimination Act and The Family and Medical Leave Act.

The Family and Medical Leave Act was passed in 1993 and requires most companies to allow their employees up to 12 weeks of unpaid, job-protected family leave time after the birth of their child. All 12 weeks of maternity leave can be taken at the same time or they can be broken up over the course of the year before or after the birth of your baby. If a woman wants to stay longer in maternity leave, she must leave her job. Contrary to the Czech Republic, mothers are not provided by the social benefits from state. The Family and Medical Leave Act applied to both men and women and it is also available for those that adopt a child.⁶²

The Pregnancy Discrimination Act which is an amendment to Title VII of the Civil Rights Act of 1964 was passed in 1978 and gives pregnant women the rights against discrimination in the workplace. This law applies to businesses that employ 15 or more people and it contains that an employer cannot fire a pregnant woman and he cannot force her to compulsory maternity leave. For pregnant women modified tasks, alternate

⁶⁰ Petr Hürka, et al., *Zákoník práce a související ustanovení občanského zákoníku s podrobným komentářem k I. 4. 2012*, (Olomouc: Anag, 2012), 447.

⁶¹ Petr Hürka, et al., *Zákoník práce a související ustanovení občanského zákoníku s podrobným komentářem k I. 4. 2012*, (Olomouc: Anag, 2012), 447-448.

⁶² U.S. Department of Labor. *Family and Medical Leave Act of 1993*, <http://www.dol.gov/whd/fmla/>

assignments, disability leave, or leave without pay must be given. They can work as long as they can, according to their health condition and they have guarantee of job security during their leave.

There is also The Patient Protection and Affordable Care Act of 2010 that requires employers to provide reasonable break time for a woman to express breast milk for her nursing child for one year after birth. The employer has to provide a place that's not a bathroom, but he's not required to pay the woman for time spent.⁶³

2.2.2 Parental Leave

Another difference is that in the Czech Republic, maternity leave is followed by parental leave, which is also ranked among the institutions of labor law, which allows deepening the care of the child in his 3 years of age.⁶⁴ For the purposes of leave shall be considered as time although excused, but missed. And there is also a substantial difference from maternity leave, which is understood, as I stated above, such as job performance. The purpose of parental leave is no longer protecting the health of women, but only exclusively her social protection to the end of maternity leave to deepen desirable maternal child care more in the coming months of young age. Now is the length of parental leave set at three years. The current regulation is looser and allows parents themselves to decide to what extent they will parental leave. Even maternity leave or parental leave does not affect the duration of employment.⁶⁵

The Labor Code provides even maintaining current employment status after a period of maternity leave and guaranteeing at least a similar job after a period of parental leave. During parental leave there is no longer protect job position so powerful because it is shown that for the employer already quite often difficult to reserve the current jobs for parents returning to work after a long working time, particularly if this has meanwhile already occupied by other workers, although only on a temporary basis. The employer has the obligation to include them after returning from parental leave to work related to their employment contract.

⁶³ U.S. Department of Labor, *The Patient Protection and Affordable Care Act*, <http://www.dol.gov/ebsa/healthreform/>, (accessed

⁶⁴ Petr Hůrka, et al., *Zákoník práce a související ustanovení občanského zákoníku s podrobným komentářem k 1. 4. 2012*, (Olomouc: Anag, 2012), 449.

⁶⁵ Petr Hůrka, et al., *Zákoník práce a související ustanovení občanského zákoníku s podrobným komentářem k 1. 4. 2012*, (Olomouc: Anag, 2012), 448-449.

2.3 The status of women in society

The social status of women reflects the degree of development of society, economy and political system. Women are in addition to persons with reduced working ability of one of the vulnerable groups in the labor market. Therefore, it is necessary to increase the legal protection of the state. Child care is considered primarily a matter for mothers. This treatment, however, is often a major obstacle when it comes to application of the law of equal employment opportunities for men and women.

In both countries the gradual disintegration of the model has occurred during the social and historical development, when a man should be able to feed their families. Present time is such that most families complete works on the principle of households with two incomes. The family that depends on only one income is usually rapidly degenerating into a position of low-income households with all its negative effects. The ability of responsibility for the standard of living of the family or the ability to sustain it is the responsibility of both partners.

Women basically do not intend to give up on paid work, they often realize what means to them financial independence from their partner or value of employment. The family as a social unit reacts to the changing socio-economic conditions. Equal status of women is conditioned also by the type of work which is done and surely how much is socially recognized. To return to the traditional arrangement of roles is therefore unrealistic to the society.

In general it could be said that women and men have different status in terms of scope, professional and employment status. The number of women in the role of female employees continues to grow, but in management positions there are still only a very low percentage. Even though, it is now possible to record rising trend in the number of women in political and public life. Even the focus on qualifications in getting a job, of course, in our country is increasing. Higher qualification is essential for a woman to gain permanent employment in places that are better paid and have the prospect of career advancement.⁶⁶

On the other hand lack of qualification condemns women to worse places. Although their competence grows, doing the same work, women's earnings are lower than those of

⁶⁶ William B. Gould, *A Primer of American Labor Law*, 4th ed, (Cambridge, Massachusetts, and London, England: The MIT Press, 2004), 57.

men in the same positions.⁶⁷ And when they reach a leadership position, they have to work very hard to convince the neighborhood that they deserve the job.⁶⁸

But it is true that some aspects of the work of women's lives have improved. These can include, for example attractiveness of work and of course the wage that is higher than it was before. On the other hand, there is suffering from increase in workload, lack of time for kids, and relations partner. Of course also the situation when women after graduation want to immediately utilize their knowledge and skills and thus postpone motherhood until later, to which may also be associated with certain health risks.

Especially Czech women also work for lower wages, although they could be better evaluated, but there is a kind of stagnation fight for their rights and for better conditions. It is also by women very rarely used the possibility of reducing working hours, while women are putting extra work, overtime work in mode whenever family commitments require regardless of their qualifications and interests. The labor market is strongly segregated by gender to male and female professions. It is not known the number of women who were discriminated against because they are women, but it demonstrates the ignorance to claim their rights legally. Nevertheless, at present there is at least hidden discrimination of women with children or women seeking for significant and lucrative positions in the economy.⁶⁹

2.3.1 Equal opportunities of men and women

The issue of gender equality in labor relations is one of the most frequent questions of labor legislation. The principle of civil equality is a fundamental principle of civil society. It is an integral part in the meeting is to create conditions in the fair equality between men and women. The current European and also American approach to prohibiting discrimination is based essentially on the fact that it is unlawful to treat someone differently just because they belong to a generally-defined groups (racially, ethnically or even sex).⁷⁰

⁶⁷ Judith Glover and Kirton Hill, *Women, Employment and Organizations*, (New York: Routledge, 2006), 43.

⁶⁸ Judith Glover and Kirton Hill, *Women, Employment and Organizations*, (New York: Routledge, 2006), 35-36.

⁶⁹ Alena Křížková, Andrew M. Penner, and Trond Petersen, "The Legacy of Equality and the Weakness of Law: Within-job Gender Wage Inequality in the Czech Republic." *European Sociological Review* 26, no. 1 (February 2010): 84. *SocINDEX with Full Text*, EBSCOhost (accessed October 31, 2012).

⁷⁰ Judith Glover and Kirton Hill, *Women, Employment and Organizations*, (New York: Routledge, 2006), 36.

Discrimination against women includes any distinction, exclusion or restriction to the basis of belonging to the female sex, which is limited opportunity to exercise the rights of women on equal terms with men.⁷¹ Discrimination on grounds of sex is regarded also as discrimination on grounds of pregnancy or maternity and because of sexual identification. Discrimination in the labor market is considered to be any distinction, exclusion or preference based on the discriminatory character, whose aim is to obstruct or endanger the same options of employees or equal treatment in employment relations.⁷²

Discrimination exists in both countries and it is often tied to gender differences. Among the sources of law in this issue include, in particular the Constitution of the Czech Republic - Act No. 1/1993 Coll., The Charter of Fundamental Rights and Freedoms - Act No. 2/1993 Coll. and the Labor Code - Act No. 262/2006 Coll. In the United States, there are also laws concerned with equality. These are Pregnancy Discrimination Act of 1978, Civil Rights Act of 1964 and The Equal Pay Act of 1963.

In the Czech Republic, Anti-Discrimination Act is the first comprehensive legislation of its kind in the country. It implements the directives of the European Community and in accordance with international treaties by which the Czech Republic is bound, and the Charter of Fundamental Rights and Freedoms, define the rights of each individual to equality and non-discrimination in employment and the right to access to employment, access to the professions, business and other self-employment, membership in trade unions, works councils or employers' organizations, access to education, health care, social security, etc. The Anti-Discrimination Act defines the concepts of direct and indirect discrimination, harassment, incl. sexual harassment, acceptable forms of differential treatment, the principle of equal treatment for men and women in social security schemes and provides the legal means of protection against discrimination.⁷³

US women had no formal workplace rights until the passage of Title VII of the Civil Rights Act of 1964. This act states that employers may not discriminate against people on the basis of race, color, religion, sex or origin. Not only are employers forbidden to treat someone unfavorably because of the sex, they cannot discriminate against woman because

⁷¹ Petr Hůrka, et al., *Zákoník práce a související ustanovení občanského zákoníku s podrobným komentářem k I. 4. 2012*, (Olomouc: Anag, 2012), 65.

⁷² Judith Glover and Kirton Hill, *Women, Employment and Organizations*, (New York: Routledge, 2006), 37.

⁷³ Petr Hůrka, et al., *Zákoník práce a související ustanovení občanského zákoníku s podrobným komentářem k I. 4. 2012*, (Olomouc: Anag, 2012), 65.

of her connection with an organization that is associated with people of a certain sex. Sexual harassment is also illegal in the workplace. Sexual harassment includes unwelcome sexual advances as well as verbal or physical harassment of a sexual or non-sexual nature. This law empowers women to sue if they feel a potential employer has excluded them from a position based on gender.⁷⁴ Equal Pay Act states that the employer must pay the same amount of money to women in the same working position as men. In the past it was very common that women have much lower salaries than men in the same positions and therefore, both of these laws significantly increase the status of women in the workforce.⁷⁵

⁷⁴ William B. Gould, *A Primer of American Labor Law*, 4th ed, (Cambridge, Massachusetts, and London, England: The MIT Press, 2004), 174.

⁷⁵ U.S. Equal Employment Opportunity Commission, *The Equal Pay Act of 1963*, <http://www.eeoc.gov/laws/statutes/epa.cfm>.

CONCLUSION

Women had always their position in the working process. In the history they were seen variously, certain properties were attributed to them or vice versa denied. This is due to a number of stereotypes and prejudices. They were seen differently in the Czech Republic and in United States. US women's position and role was at home for a long time. Family was the center of the economic system. Czech women started to participate in labor force much earlier. In times politically, socially and economically difficult, women were always willing to engage in various sectors of the labor market. Industrial revolution in the 18th century brought convenient conditions for women from both countries and to allow their greater implementation. Women started to have better conditions. During the war, women were able to hold responsibilities for men, while remaining mothers and take care of the family. They had double burden. As the main difference I consider the slavery in United States, which we had not met throughout the Czech history. As the second difference I would mention the legal obligation of work in the Czech Republic after the World War II.

Regarding to the legislation and labor law, women had fewer legal rights through the history. Nowadays, the situation is good and women employment is well protected in both countries. Big difference I have found only in the field of maternity leave, where Czech women have advantage according to American. In the Czech it is social protected contrary the United States and much longer.

Equality in employment of all employee groups is desirable for society both in the Czech Republic and the United States. It can be said that the situation in this area becomes satisfactory. In this issue, we certainly found some gaps that need to be further improved. The working conditions of men and women inequalities persist, as reflected in the pay and recognition. Nevertheless, the level of protection of female workers is higher than in many countries. The quotation that appears at the end of this work just shows, how this issue should be necessary in global perspective.

“The dignity of women's equality when they meet in government, professional and industrial work is important the world over, not just in the U.S.”

-Eleanor Roosevelt

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