



NEWS REPORT

Date: 20 June 2009
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Title: First decision of the Czech Constitutional court regarding discrimination on the ground of age
Country: Czech republic

Context

Issue at stake: The Constitutional court cancelled the rulings of ordinary courts, because they did not apply the shift of the burden of proof

Ground of age discrimination: of age

Source: Ruling of the Constitutional Court No. II. ÚS 1609/08

Field: employment

Legislative provisions: Labour code, Law on Employment

Content

Case development: On 30th April 2009, the Constitutional court decided on a complaint regarding alleged unlawful dismissal, directly discriminatory on the ground of age. The complainant was dismissed, together with other employees, from the Czech Governmental office in 2004, formally on redundancy grounds. He alleged that in fact his dismissal from his department was based on his age, as he is 59 years old. The places were immediately taken by younger applicants. He based these allegations on the statistics, proving that a prevailing number of employees dismissed from his department on redundancy grounds were older than 50 years (80%), and applicants offered their jobs were predominantly younger than 28 years (93%). He argued that the ordinary courts (District court Prague 1, Municipal Court in Prague, Supreme Court) dismissed his statistics, without applying the shift of the burden of proof, therefore acted contrary to his constitutionally guaranteed right to a fair trial.

Internet link source and additional information:

<http://nalus.usoud.cz/Search/ResultDetail.aspx?id=62527&pos=42&cnt=43&typ=result>