

# The Gender Equality of Workers in Slovakia During Socialism

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## **ABSTRACT**

This paper focuses on the history and evolution of women's rights, particularly concerning female workers, but also tackles the rise in gender equality. Czechoslovakia became a democratic country in 1918. The approval of the first Czechoslovak constitution was the most significant legislative accomplishment of the newly formed Czechoslovakia. The positive development of a society that began to emphasise democracy and equality was abruptly interrupted by the Second World War and the communist coup in 1948. The workforce changed because of the economic consequences of 1939. The so-called first wage reform caused low-income levels in 1946. The concept of "*two breadwinners*" began to emerge, implying that many women entered the workforce. Socialist regimes have significantly altered this perspective. The events of February 1948 and subsequent events were significant junctures in Czechoslovakian society. The fact that women were primarily motivated to enter the labour market to escape poverty makes it difficult to interpret the high employment rate of women during the socialist era as entirely positive for gender equality. On the other hand, the totalitarian regime supported women's participation in the labour market through labour and social law measures that also supported women's participation in childcare. Legislation on the equal treatment of female workers evolved into its current form following the fall of the dictatorship. However, it has undergone significant modifications because of the requirements for legislative changes that have emerged since Slovakia became a member of the European Union. Through the issue of gender equality among female workers, we illustrate how challenging it is to alter deeply ingrained attitudes and behaviours in society.

## **KEYWORDS**

gender equality, socialist Czechoslovakia, emancipation, women in socialism.

## **Egalitatea de gen a angajaților din Slovacia în timpul socialismului**

### **REZUMAT**

Acest studiu se concentrează pe istoria și evoluția drepturilor femeilor, în special în ceea ce privește femeile angajate, dar abordează și dezvoltarea egalității de gen. Cehoslovacia a devenit o țară democratică în 1918. Aprobarea primei constituții cehoslovace a fost cea mai importantă realizare legislativă a Cehoslovaciei nou formate. Dezvoltarea pozitivă a unei societăți care a început să pună accentul pe democrație și egalitate a fost brusc întreruptă de cel de-al doilea război mondial și de lovitura de stat comunistă din 1948. Forța de muncă s-a schimbat din cauza consecințelor economice ale anului 1939. Așa-numita primă reformă salarială a cauzat niveluri scăzute ale veniturilor în 1946. Conceptul de doi >>

>> întreținători ai familiei a început să apară, ceea ce implică faptul că multe femei au intrat în rândul forței de muncă. Regimurile socialiste au modificat semnificativ această perspectivă. Evenimentele din februarie 1948 și cele ulterioare au reprezentat momente semnificative în societatea cehoslovacă. Faptul că femeile au fost motivate în primul rând să intre pe piața muncii pentru a scăpa de sărăcie face dificilă interpretarea ratei ridicate de ocupare a forței de muncă în rândul femeilor în timpul erei socialiste ca fiind în întregime pozitivă pentru egalitatea de gen. Pe de altă parte, regimul totalitar a sprijinit participarea femeilor pe piața forței de muncă prin măsuri de drept social și al muncii care au sprijinit, de asemenea, participarea femeilor în îngrijirea copiilor. Legislația privind tratamentul egal al femeilor angajate a evoluat în forma sa actuală după căderea dictaturii. Cu toate acestea, ea a cunoscut modificări semnificative din cauza cerințelor de schimbări legislative care au apărut de când Slovacia a devenit membră a Uniunii Europene. Prin problema egalității de gen în rândul angajaților, ilustrăm cât de dificilă este modificarea unor atitudini și comportamente adânc înrădăcinate în societate.

#### CUVINTE CHEIE

egalitatea de gen, Cehoslovacia socialistă, emancipare, femeile în socialism.

## I. INTRODUCTION

*“The man and the woman are intellectually and morally equal. [...] There is no natural inequality between men and women, not from nature, but developed historically. And as many mistakes were made in history, and often fatal mistakes, so there was also a mistake, a big mistake, by suppressing a woman.”*<sup>1</sup>

(Tomáš Garrigue Masaryk)

The First Czechoslovak Republic was established in 1918. In its Constitution, the new state defines itself as a democratic and egalitarian republic. Tomáš-Garrigue Masaryk, the first president, was a strong believer in democracy, equal rights, and female emancipation. This was an exceptionally modern approach, especially at the beginning of the 20<sup>th</sup> century, and it was one of the main driving forces thanks to which female emancipation began to progress quickly in Czechoslovakia. Masaryk, as a member of a feminist group since the 1890s, has always worked towards giving women the right to vote.<sup>2</sup> In his view, he was influenced mostly by the feminist philosopher John Stuart Mill and his wife Charlotte Garrigue-Masaryk. In his monograph, Masaryk states that the rights of women and children are universal human rights, in addition to national, linguistic, social, and economic rights. He called the rights of women and children *“modern family rights.”*<sup>3</sup>

1 Translation of the author. Tomáš Garrigue Masaryk was not only the first president of Czechoslovakia but also a sociologist. Original text in Czech is available at: <https://legacy.blisty.cz/art/37521.html> (Accessed on 16.11.2022).

2 Melissa Feinberg (2011): *Elusive Equality: Gender, Citizenship, and the Limits of Democracy in Czechoslovakia, 1918–1950*, University of Pittsburgh Press, Pittsburgh, p. 14.

3 Tomáš Garrigue Masaryk (1990): *Ideály humanitní*, Melantrich, Praha, p. 10.

Thanks to the new Czechoslovak Constitution in 1920, women finally had the right to vote. Women could vote and be elected, but above all, they were finally being *de iure* recognised as emancipated members of society. However, it would be wrong to say that these rights were generously offered to women. Women's right to vote was, in fact, the result of a long-lasting fight for women in this territory, mostly through activism, journalism, and different associations. It is important to add, however, that the 1920 Constitution not only granted the right to vote and the right to be elected to women but also to men, who could not vote in the past because they did not meet either the property or the educational census. However, this was only the beginning of a fight for emancipation.

Although the early 1920s brought many positive changes to the perception of gender equality, both legally and socially, there was still some duality in both aspects. Legally, the 1920 Constitution guaranteed equal rights to everyone, but the Civil Code of 1811 (the *Allgemeines bürgerliches Gesetzbuch* or ABGB) was still in effect in the Czech part of the newly founded country,<sup>4</sup> as the matrimonial law of 1919 only made minor changes to it, stating that women are subordinate to men, they are not eligible for parental allowance, and the man should be the provider of the family. According to this Civil Code, the most important task for women should be to bear and take care of their children, and women who get married should free their workspaces for men and unmarried women. This legal duality resulted from the quick establishment of Czechoslovakia, as it could not amend all legal codes simultaneously. From a social perspective the reaction to women getting the right to vote was mostly positive, however, opinions that if women “leave” their children behind, the nation will suffer, still prevailed. Some newspapers even contained different photographs of crying children, explaining that this was the effect of women getting the right to vote.<sup>5</sup> Owing to Czechoslovakia's exceptional approach, the right of women to vote was established. However, this was not the end result, but the first step towards true emancipation was followed by ending discriminatory rules in the civil service and ensuring equal access to education. Although in the 1920s these achievements were characteristic of other countries also, we can state that the Czechoslovak approach was unique, especially because of strong popular and political support for women's rights. Implementation of the right to vote was difficult for several reasons. First, the right to vote was contested by the Civil Code and its regulations on marriage and the suffrage of women and men. Another problematic aspect was the existence of citizenship law and the lack of power of women over their own and their children's citizenship status after entering a marriage. In addition, women's rights to be gainfully employed besides their husbands were disputed.

Women gradually joined the labour market even during the First World War, and this trend continued after the establishment of the first Czechoslovak Republic, from

4 In the territories of Czechoslovakia which were part of the Hungarian Kingdom beforehand (the territory of modern Slovakia), the Hungarian uncoded private law remained in effect with the modifications adopted by the Czechoslovak legislature.

5 Andrea Hajdúchová: *Ženy ujdú od detí a národ utrpí, strašili noviny. Pripomínajte si sté výročie volebného práva pre ženy*. Available at: <https://dennikn.sk/blog/1768261/zeny-ujdu-od-deti-a-narod-utрпи-strasili-noviny-pripominajte-si-ste-vyrocie-volebneho-prava-pre-zeny/> (accessed on 16.11.2022).

1918 to 1938, when industrialisation resulted in women joining production, thus forcing the legislature to provide measures for better protection of workers. However, some work positions such as healthcare and social work were still perceived as primarily feminine.<sup>6</sup> Another positive change was the repeal of the so-called “*celibacy acts*”, which were in effect from 1903, and according to which women working in education should remain celibate. There were some exceptions to this rule, although handwork teachers in Czech Silesia were not required to obey the celibacy rule. The main reason for the Act on Celibacy was to separate work from family life so that work would not negatively affect families. In this way, teachers could not have families so that they could focus fully on their work. It is important to note that some teachers did not oppose the implementation of the Celibacy Act as they were mostly educated in monasteries. However, others, influenced by the wave of feminism, started to claim that it was possible to synchronise family life with professional life, and they demanded an end to the celibacy act. One of the most significant people who spoke out against celibacy acts was Františka Plamínková, who was a teacher, member of parliament, and senator. In 1919, a proposal to abolish the Celibacy Act was drafted by Alois Konečný, Josef Smrčka, František Houser, and Františka Zeminová. The draft contained numerous arguments as to why abolishing the Celibacy Act could be beneficial for Czechoslovak society.<sup>7</sup> It stated that if female teachers give up their profession after marriage, the state loses a significant part of the qualified and experienced workforce and wastes a large amount of capital invested in their professional education. Conversely, if female teachers remained in their jobs and, thus, did not have children, the nation would be deprived of intelligent mothers and competent children. Celibacy also causes female teachers to view their teaching profession only as a temporary office to which they will not be fully devoted, as it is required for the benefit of the children they are teaching. Therefore, following this perception, celibacy is also not beneficial for the education system.<sup>8</sup> These rules on celibacy were abolished in 1928.

In the 1930s, Czechoslovakia was hit exceptionally hard by the economic depression. More than a million people were unemployed, and women were the first to lose their jobs. Differences also existed in wages; women in the industry earned only half or a third of what men earned, and the principle of unequal pay for the same work remained only legally endorsed.

During the existence of the Slovak State (1939–1945), the legislation of the previous years was in effect, although there was a new Reception Act, according to which only those legislations that did not contradict the Acts of new regime remained in force.

6 Gabriela Dudeková (2011): *Na ceste k modernej žene: kapitoly z dejín rodových vzťahov na Slovensku*, Veda, Bratislava, pp. 492–493.

7 Lucie Žáková (2020): *Učitelky a celibát. Proč ho musely dodržovat až do 20. století?*. Available at: <https://eurozpravy.cz/magazin/ucitelky-a-celibat-proc-ho-musely-dodrzovat.e89cd7d9> (accessed on 16.11.2022).

8 Parliamentary Press 347/0 VI.n.z. on the abolition of obsolete legal regulations.

## II. THE ROLE OF WOMEN IN SOCIALIST CZECHOSLOVAKIA (1948–1989)

The socialist regime brought many changes to the labour market of Czechoslovakia, which concerned women. Although we can only falsely view these changes as a step towards gender equality, as the main purpose of the measures involving an increasing number of female workers in the labour market was not in light of promoting gender equality and the emancipation of women. the goal was to strengthen the labour market and thus the nation. As a result, socialist countries, including Czechoslovakia, viewed women's rights as a significant issue, where it is not so much an individual problem but rather a group interest that can benefit society. The question of women was an important part of workers' rights in Marxist theory on women's emancipation, and so it was also considered a political question.<sup>9</sup>

After the communist coup in February 1948, the status of women in Czechoslovak society changed. During this period, the most important factor in determining rights was consensus with the regime and party affiliation. If we compare this period to the period of the Slovak state (1939–1945), the opposite situation occurred regarding women's positions after the communist coup. During the era of the Slovak state, women were viewed as housewives who should stay at home and raise their children; however, after February 1948, women were welcomed into the workplace. With an increasing number of women joining the workforce, the upbringing of children was put into the hands of qualified educators who would raise children in accordance with the regime, in the spirit of supporting the regime and building socialism. However, children were left with good, loving mothers, as they were not taken away from their mothers by force. Although during the socialist period, women started to be more included in the economically active part of the population, their most important task was still considered to be the production of healthy and strong offspring, which would mean the future generation for the “*wonderful state*.” Women's opportunities expanded, but at the same time, society continued to remain patriarchally oriented, as we can see from the socialist view of women's roles in the family, motherhood, and the role of the mother, reflected in the functioning of social relations.<sup>10</sup>

The socialist regime brought about positive changes in equality between the two genders, as the Constitution of May 1948 guaranteed equality in all areas of social life.<sup>11</sup> The state has begun providing special protective measures for marriages, families, and motherhood. The differentiation between legitimate and illegitimate children ceased. These socialist principles formed the basis of the 1949 Family Code.<sup>12</sup> The upbringing of children was still considered the most important function of the

9 Alena Heitlinger (1979): *Women and state socialism: sex inequality in the Soviet Union and Czechoslovakia*, Macmillan, London, p. 136.

10 Jolana Darulová, Katarína Košťálová (2004): *Sféry ženy: sociológia, etnológia, história*, Fakulta humanitných vied Univerzity Mateja Bela, Banská Bystrica, p. 243.

11 Constitution of the Czechoslovak Republic, Official Gazette No. 150/1948 Coll.

12 Family Code (Slovak: *Zákon o rodinnom práve*), Official Gazette No. 265/1949 Coll.

family, although it now involves both parents equally. Article 26 of the 1948 Constitution states that everyone has the right to work, and pregnant women and mothers have the right to special work regulations. Article 27 stated that men and women are eligible for the same amount of compensation for the same work,<sup>13</sup> which was a huge change in comparison to the previous years, as then women had to quietly suffer discriminatory measures regarding compensation because there was no legal act forbidding it. However, the positive constitutional, labour, and family law measures promoting gender equality and the emancipation of women did not always mirror practical reality, and the reality of women's equality was often confused with socialist propaganda. Unfortunately, the inclusion of women's rights in formal legal texts was often a disguise, behind which the socialist party was hiding, so that they could substitute for the various inequalities in real life.<sup>14</sup> Thus, we can conclude that many of the freedoms declared in the Constitution of Czechoslovakia (but also in the law) were only formal. The equality of women with men was one of the main official policies of the Communist Party of Czechoslovakia, as reflected in numerous new laws and regulations in labour law, civil law, and family law. The reality of implementing the laws was slightly different, as in practice, they were not always applied; for example, women still had lower long-term wages than men.<sup>15</sup>

## 1. Housework

Although during the socialist regime, an increasing number of women entered the labour market, and they were becoming more economically equal, there were still some perceptions of the female role, that remained unchanged, the main one being, that housework is a "*women's job*". It was estimated that housework in socialist Czechoslovakia took up approximately 5 million hours a year, which is approximately the same amount of time spent on paid work by the whole population of the state. Why has this remained a private matter?

Initially, there were plans to take all domestic activities out of the hands of families and place them under the control of the state, which would also mean a more appropriate type of service. Supporters of this narrative also shed light on the negative effects of housework on a woman's personality, meaning that she is isolated in her home, which becomes the centre of her world.<sup>16</sup> The initial concept of socialised housework, however, failed in Czechoslovakia because it was impossible to expand manpower in this sphere, mostly as a result of the economic crises in 1962 and 1963. So, the originally planned socialised housework had to be replaced by a "*more-suitable*" model, which is mechanising housework and by the usage of home appliances. This resulted in the burden of housework being placed on women. According to a survey from 1968,

13 Constitution of the Czechoslovak Republic, Official Gazette No. 150/1948 Coll.

14 Heitlinger (1979): p. 137.

15 Anna Tokárová (2003): *Vzdelanie žien na Slovensku: Spoločenské bariéry a stimuly v historickom priereze*, Akcent Print – Pavol Šidelský, Prešov, p. 130.

16 Dana Fukalová (1967): *Ekonomická aktivita žen v ČSSR (Job situation of women in Czechoslovakia)* (Dissertation), Praha/Ostrava, p. 23.

women devote 22% of their “leisure-time” to housework, while men give only 8 percent.<sup>17</sup> Paragraph 19 of the Family Code from 1963 states that both parents should be taking care of the needs of the family, which includes taking care of children and the household. The concrete tasks that had to be carried out by women were the preparation of meals, shopping, and different household services, with the first two being the most time-consuming, as they had to be carried out every day. However, according to paragraph 33 of the Family Code, children should also help their parents. Studies from this era also show that with the increase in women’s participation in the labour market, men were keener about helping women with housework, but we still cannot conclude that this division of housework was equal.<sup>18</sup>

By examining the statistical data mentioned above and the legalisation, we can once again deduce that in the socialist regime, legislation and reality were often not in synchronicity regarding women’s rights questions.

One of the most important novelties of the 1965 Labour Code was the regulation of maternity leave. This regulation granted maternity leave to working women both before and after giving birth. From a legal perspective, maternity leave has the characteristic of excused absence from work. Maternity leave could last up to 22 weeks, approximately until the child is 5 months old. During this time, women were financially helped by financial aid provided by the insurance company. Based on the mother’s request, it was also possible to prolong maternity leave until the child reached one year of age. In 1968, maternity leave was prolonged from 22 to 26 weeks. In 1969, women could stay at home with their children until they reached 2 years of age. The 1965 Labour Code is examined further in Chapter 4.

## 2. The types of work done by women in Czechoslovakia

During the socialist era, there was a significant increase in female employment in the Czech part of Czechoslovakia. In 1948, 38% of workers were women, and in 1978, this number increased to 48 percent. In comparison, this number in Western countries during the same period ranged from 27 to 38 percent. Although the trend in Western countries was to employ women on a part-time basis, in Eastern Europe part-time work was carried out mostly by students or older people (after retirement). In 1961, 63% of females between the ages of 20 and 30 years were employed; this number increased to 80% in 1970, which is truly remarkable considering that these were the years in which women had children. This meant that women returned to work after maternity leave, which could last for up to 3 years. The female participation rate in Czechoslovakia increased from 54% (1950) to 85% (1970). However, could this also mean that more doors were being opened for women in the labour market? We examine these aspects in this subchapter.

At the beginning of the socialist era, Czechoslovak women were in the majority in two sectors of the labour market: health service and social welfare, where women

<sup>17</sup> Svoreň, Királyová (1968): p. 96.

<sup>18</sup> Alena Wagnerová (1983): Women in Czechoslovakia, in Eugen Lupri (ed.): *The Changing Position of Women in Family and Society: A Cross-national Comparison*, Brill, Leiden, p. 302.

represented 60% of the total workers, and the second being agriculture, where 54% of the workers were female.<sup>19</sup> In 1968, the total number of jobs, where most workers were female, was already eight, and they were agriculture (53 percent), public services (53 percent), communications – nonproduction units (55 percent), housing administration (64 percent), trade and public catering (71 percent), and the educational system (60 percent), with the biggest percentage of female representation being health service and social welfare (76 percent). By 1973, the situation had changed slightly: 64% of workers in communications were women; 67% of workers in the educational system; 75% in trade and catering; 69% of workers in finance and insurance; 80% of workers in health service and social welfare; but only 48% of workers in agriculture were women. The percentage of women working in the manual industry increased from 34% in 1954 to nearly 45% in 1973. In this area of labour, the greatest number of women worked in the consumer sector: textiles, ready-made clothes, tanning, fur, and food.<sup>20</sup> The increase in the number of females working in these sectors was also a result of the increase in workers in these sectors in general; naturally, the number of women working in fields that were more feminised even before this era has increased faster in comparison to those that were dominated by male employees. Individually, women could be found in every sector, and the number of women working in different sectors was more evenly distributed over professions than in the West. Although there were many positive changes, there were also some negative events, as sex typing was still typical, especially for some professionals, such as doctors. Female doctors in Czechoslovakia achieved much higher theoretical standards, yet there was still a higher percentage of male representation in practice because they were more competent and talented, and patients trusted them more. Female doctors were also “burdened” by family duties, as a result of which they were unable to obtain higher qualifications, and thus, a higher income.<sup>21</sup>

Despite this, there were still fewer leading positions among women, and although one may expect the corresponding development of sexual distribution in positions of authority, barely any change occurred in this regard. The main cause was the dual role of women, as where they were responsible for “reproduction” as well as “social production.” According to some scholars from this era, the requirement for any position of authority is a total commitment to it, and employed women find it difficult to concentrate because they are busy raising children and doing domestic work. In 1960, women made up 44% of all medical doctors, and 80% of all medical personnel, yet only 12% of them were in positions of authority. Another interesting profession was teaching, which was perceived to be predominantly feminine, yet only 42% of the teachers’ in positions of authority were women.<sup>22</sup> A typical attribute of female labour in Eastern Europe was that women were mostly concentrated in middle-range jobs, and if they obtained positions of higher authority, it was not in prestigious institutions. This is typical of educational, industrial, and political institutions.

19 Heitlinger (1979): p 148.

20 Heitlinger (1979): p 148.

21 Jaroslava Bauerová (1974): *Zaměstnaná žena a rodina*, Práce, Praha, p. 78.

22 Heitlinger (1979): pp. 160–161.



The first part of “*social reconstruction*” occurred in the distribution of women representatives, which were elected to national committees at every level. Female representation increased from 17% to 22 percent. Negative changes have occurred in the number of female representatives of the National Assembly. In 1960, 28% of the people elected to the district national committee and 21% of those elected to local national committees were women.<sup>23</sup> In 1964, the number of female representatives in these institutions declined to only 19 percent, and in 1970, this number dropped below 18 percent. In 1971, nearly 22% of the representatives were women, which was a result of directives calling for greater participation of women in these areas.<sup>24</sup>

### 3. Women’s organizations and the education of women in Czechoslovakia

In the 1950s, the second wave of feminism began to emerge worldwide, but in countries with soviet type totalitarian regimes, including Czechoslovakia, it was hardly observable, as everything had to be realised within the plans of the socialist regime. At the time, two committees were functioning, but under strict socialist supervision: first, the Czechoslovak Women’s Committee (*výbor Československých žen*), and later the Czechoslovak Women’s Association (*Československý svaz žen*). Both committees were under socialist “*guidance*”, so it is not possible to talk about freedom of expression or great emancipation. The organisations published a newsletter publication called the Newsletter of the Czechoslovak Association (*Zpravodaj Československého svazu žen*), in which they included reports on various conferences and meetings with other unions, such as Russia. The association also dealt with more serious topics, such as the main problems faced by women in Slovakia and the role of women in society. There was also a glossary section of the newspaper, where they explained various terms appearing in the articles for women, as well as a counselling centre and a library, where they included the latest news.

Education is closely related to the entry of women into the labour market. Women during socialism had to enter the labour market mainly for economic reasons, as sometimes it was not possible to provide for the whole family with one salary. Education is intricately linked to women earning better positions in society and jobs. In the 1950s, women were used as unskilled, cheap labour, but by achieving more qualifications and education, their positions improved significantly, and they became part of all branches of work, even feminising some of them (e.g. social care, finance, education, or healthcare). One main flaw of this system was the wage, which remained low for a long time, but the hygienic conditions were not ideal, and women sometimes had to work up to 60 hours a week. They even faced discrimination in some branches that were viewed as traditionally masculine, such as the technical branches. However, women’s work was still needed not only for the family but also for the Czechoslovak economy.

The overall approach to education for women during this period was positive. The level of education of women changed rapidly and grew quickly, which is reflected in the

23 Heitlinger (1979): p. 158.

24 Heitlinger (1979): p. 159.

statistical data from the period: in 1950, university-type higher education was completed by only 0.1% of women, in 1970–1980 this number increased by 138.2 percent, and there were 69.6 thousand women, who had a university education. Similar or higher numbers were achieved by female graduates from secondary vocational schools and colleges. Women in this period received job positions that required higher qualifications, in contrast to the era of the First Republic, where they mostly worked in manual labour.

#### 4. The new Labour Code of 1965 and its effect on female workers

Changes in society after the socialist coup of 1948 led to the need for new legislation. The first significant sign of the new regime's intention to fully use the workforce in Czechoslovakia was the capture of employment on new Czechoslovak identity cards in 1952. In 1949 and 1950, all other general branches of the law were freshly codified, except for labour law. The amendment of the Labour Code occurred later, in 1965, and it was supposed to let go of the old, so called "*exploitative*" legislation and replace it with new legislation. With the codification of the new Labour Code, the law in Czechoslovakia was unified.

The recodification of the entire legal system was based on a resolution of the Central Committee of the Communist Party of Czechoslovakia (*Komunistická strana a esko-Slovenska*), which called for the unification of the codes and their alignment with the new socialist regime. Labour law was the only field of law that had not been codified before. The newly codified labour law measures were supposed to guarantee the rights of workers and create new socialist legislation of labour law, but also to unify labour relations in Czechoslovakia. It also intended to develop new industrial relationships.<sup>25</sup>

The new Labour Code, which was supposed to help solve all problems related to labour law, came into force on the 1<sup>st</sup> of January 1966. In labour law, the principle of equality is expressed with emphasis on a woman's biological role. This is in contrast with the Family Law legislation of this period, according to which women's equality is based on the formal recognition of their equal role.<sup>26</sup> The new code consists of a preamble, basic principles, paragraph wording, and an attachment. The basic principles reflected the ideology of the state at the time, and they emphasised the equality expressed in the Constitution of Czechoslovakia, especially Articles 20 and 27, which were devoted to equality and gender equality. Article 20 states that all citizens of Czechoslovakia have the same rights and obligations. Point 3 of Article 20 emphasised, that "[m]en and women shall have equal status in the family, at work, and in public activity."<sup>27</sup> Article 27 predicted a separate legal action that is needed to be devoted to gender equality and the emancipation of women:

25 Zákoník práce (1966): *Předhovor Václav Pašek tajemník Ústřednej rady odborov*, Práca, Bratislava.

26 Alena Wagnerová (2017): *Žena za socialismu (Československo 1945–1974 a reflexe vývoje před rokem 1989 a po něm)*, Sociologické nakladatelství (SLON), Praha, p. 156.

27 Constitution of Czechoslovakia, Article 20, Point 3, Official Gazette No. 100/1960 Coll.

*"[t]he equal status of women in the family, at work and in public life shall be secured by special adjustment of working conditions and special health care during pregnancy and maternity, as well as by the development of facilities and services which will enable women fully to participate in the life of society."*<sup>28</sup>

As mentioned previously, the new Labour Code fulfilled the expectations of the 1960 Constitution and anchored the principle of gender equality in work relations. Article 7 provided that

*"[w]omen have the right to the same status at work as men. Women are provided with working conditions that enable them to participate in work not only with regard to their physiological prerequisites but especially with regard to their social function in motherhood, raising, and caring for children."*<sup>29</sup>

As this principle was included in the Labour Code, women became recognised as a specific group, but their equality was emphasised based on their specific biological functions. The new code strictly specified women with cogent legal norms, which meant that socialist organisations could not deviate from them. Regulations from that time, especially regarding the protection of the female workforce by regulating breaks during work, restricting work at night, and protecting pregnant workers, are still included in Slovakia's labour legislation. This happened again from the socialist perception of pregnancy not being a private matter but rather something of public interest that is prosperous for society as a whole. The new law was intended to moderate the differences in social security between pregnant and non-pregnant workers. In addition to the pension for pregnant women, it also regulated the rights of women to return to work after maternity leave.

The legislation on work conditions regulated the establishment and adjustment of workplaces in such a way that women could work more easily. This means the establishment of preschools, schools, and infant institutions.

One of the most important positive changes of the new legislation was the fact, that it recognized that women, as a result of their biological differences, which are even more emphasized during pregnancy, are not able to work under the same conditions as men. More importantly, they were not required to work in professions that could be dangerous to their maternal role. The Ministry of Health regulated the professions that pregnant women and women could not take on until nine months after giving birth, and this list was updated and edited according to new scientific findings in technology and science. The typical jobs on the list were those in which women could come into contact with different dangerous substances, radiation, or contagious diseases.<sup>30</sup> The new regulations allowed organisations to transfer pregnant women to jobs that they could partake in without the possibility of endangering themselves or their children.

28 Constitution of Czechoslovakia, Article 27, Official Gazette No. 100/1960 Coll.

29 Labour Code of Czechoslovakia, Article 7, Official Gazette No. 65/1965 Coll.

30 Jaroslav Filo (1981): *Československé pracovní právo*, Obzor, Bratislava, p. 409.

It was possible to transfer a pregnant woman from one job to another at the same workplace, but it was not allowed to transfer a pregnant woman to another workplace outside her place of residence or work, only based on her request. This also applied to women, who were taking care of children younger than one-year-old.<sup>31</sup> Pregnant women and women who care for children below the age of eight can be sent on work trips only if they agree. The new Labour Code also limited the possibility of termination of job contracts for pregnant women and women who are taking care of children younger than three years old to the absolute minimum, with only a few situations in which such termination of a job contract could take place. This also applied to adoptive mothers.

Mothers also had the privilege of organising shifts at work. The shifts had to be organised while considering their specific positions and the need for them to take care of their children and households.<sup>32</sup> Pregnant women and women who care for children younger than one year could not work night shifts or overtime.<sup>33</sup>

## 5. The position of Czechoslovak women in late socialism

Czechoslovakia was one of the countries with the highest female participation in the workforce worldwide, with a proportion of 48% in 1975.<sup>34</sup> In 1972, the largest group of female workers was married (73%). There was a huge representation of young women in the labour market, as 61% of all working women were between the ages of 20 and 35. As previously mentioned, a large contributing factor to the rapid increase in women's involvement in the labour market was progress in the educational upbringing of women. A comparison between educated men and women in the age group below 40 years reveals that they are nearly equal, although the number of educated men was still slightly higher. The opposite situation occurred in the age group below 35 years, where more women had formal training or education than men.<sup>35</sup>

The increase in female involvement in the labour market was, of course, intricately linked to the education of women in this period. Statistical data from this era indicate that in the school year 1975–1976, 63% of all pupils at high schools were represented by women; furthermore, women made up nearly 60% of students at colleges, 62.6% at universities, 38.1% at arts schools, 29.1% at agricultural science schools, and 53.6% of apprentices. In 1975, 78.2% of all young people leaving school were girls who were more likely to join the workforce immediately after leaving elementary school.<sup>36</sup>

The situation occurred where men mostly chose apprenticeships to prepare for university but also to obtain the requirements for a profession. Women preferred schools to apprenticeships, even when they did not plan to attend university. The differences in the orientation of educational institutions may be explained not only by the traditional

31 This was later changed, in 1988 they raised the requirement for the minimum age of the child to 15 years old.

32 Jaroslav Filo (1981): *Československé pracovní právo*, Obzor, Bratislava, p. 412.

33 Labour Code of Czechoslovakia, Official Gazette 65/1965, Paragraph 156.

34 *Statistická ročenka ČSSR* (1976), SNTL, Praha.

35 Wagnerová (1983): p. 299.

36 *Statistická ročenka ČSSR* (1976), SNTL, Praha.

concept of the distinction between male and female jobs but also by the low financial rewards of higher education in Czechoslovakia. Another reason may be that the industry was more interested in male apprentices.<sup>37</sup> Although Czechoslovakia provided the same educational opportunities for boys and girls, opportunities to qualify for the job market were more restricted for women than for men. While qualified women find themselves in middle-range and higher positions, they are more often employed in middle-range and inferior jobs.<sup>38</sup>

Although the number of female students was 11 times greater in 1975 than in 1945, qualified and graduated women were still considered a novelty in the 1970s, although they still took less advantage of their qualifications than men. This was considered to be because of their additional duties in the family, as having an overly demanding job would threaten this aspect of their lives. Studies from this era concluded that there was a need to change women's position at home to align more with their profession.<sup>39</sup> However, the regime's dependence on women's labour is reflected in the 80% increase in women in the labour market from 1948 to 1975.

While women's equality enjoyed expansive attention and peaked in the 1950s, in the 1970s, this perception returned to the traditional concept of connecting women with childbearing and housework. In this era, differences between the two genders were perceived as a result of natural inequality, which could not be removed by law or philosophy. Although the perception of gender equality changed during this time, women who had already entered the workforce did not leave their jobs to become housewives. This was mostly because the communist agenda and legal code ordered everyone to work, including women. Men did not become the sole breadwinners, but both men and women continued to work while achieving self-realisation at home. So, we can conclude that the "*two-breadwinners*"-model continued even in these times.

### III. CONCLUSIONS

Considering Czechoslovakia's history, we can clearly state that the state has been working towards equality, more specifically, gender equality, since its establishment in 1920. In 1920, the first president, Tomáš G. Masaryk, emphasised an especially progressive approach. However, this progress ceased when the Nazi occupation began in 1938 in the Czech part of Czechoslovakia and when the clerico-fascist rule started in the First Slovak State.

Not long after the Second World War ended and the communist coup occurred, women joined the labour market *en masse* and the two-breadwinner model started to develop. Although at first glance, we can get the impression that this was a solely positive change and a great result towards the equality of the two genders, the reality was

37 Wagnerová (1983): p. 299.

38 Bohumil Jungmann (1969): Složitost práce jako roměr vertikální diferenciace společnosti a jako individuální šance, in: Pavel Machonin: *Československá společnost*, Epoque, Bratislava, p. 189.

39 Wagnerová (1983): p. 302.

that women were forced to start working to align with the regime's ideology, but also sometimes to escape poverty.

After the Velvet Revolution of November 1989, the Soviet regime collapsed in Czechoslovakia. On the 1<sup>st</sup> of January, 1993, Czechoslovakia peacefully split, and two countries were established: the Czech Republic and the Slovak Republic. Article 12 of the Constitution of the Slovak Republic declares that

*"all human beings are free and equal in dignity and rights. Their fundamental rights and freedoms are sanctioned, inalienable, imprescriptible, and irreversible. All humans are free and equal in terms of dignity and rights. Their fundamental rights and freedoms are sanctioned, inalienable, imprescriptible, and irreversible."*<sup>40</sup>

Furthermore, it states, that

*"[f]undamental rights shall be guaranteed in the Slovak Republic to everyone regardless of sex, race, colour, language, belief and religion, political affiliation or other conviction, national or social origin, nationality or ethnic origin, property, descent or any other status. No one shall be aggrieved, discriminated against, or favoured on any of these grounds."*<sup>41</sup>

All rights and freedoms outlined in the Constitution may be exercised in accordance with this provision, which is general in nature. In other words, if for example Article 36 of the Constitution of the Slovak Republic establishes the right to compensation for services rendered, it also falls under the broad category of the Slovak Republic's anti-discrimination provision.<sup>42</sup> International Accords and the Slovak Republic Constitution offer protection, particularly against state discrimination, but do not completely shield citizens from the activities of private individuals. From this vantage point, the Slovak Republic's Anti-discrimination Act of 2004 benefited from the incorporation of anti-discrimination directives approved in the EU territory of the European Union into the Slovak Republic's legal system. The Anti-Discrimination Act was the result of a protracted process that spanned years and involved the insertion of anti-discrimination provisions into specific legislation. The proposed law was presented to the National Assembly to stop the transposition of EU directives.<sup>43</sup> On 1 May 2004, with the Slovak Republic becoming a member state of the European Union, its legislation became legally enforceable for the Slovak Republic before that, even during the accession process, our legal system had to be adjusted to the system of the European Union. Before the Anti-Discrimination Act was passed, all labour laws gradually included a

40 Constitution of the Slovak Republic, Official Gazette No. 460/1992 Coll., Article 12, Point 1.

41 Constitution of the Slovak Republic, Official Gazette No. 460/1992 Coll., Article 12, Point 2.

42 Janka Debrecéniová, Zuzana Očenášová (2005): *Rovnosť príležitostí žien a mužov na Slovensku: Správa o dodržiavaní smerníc EÚ týkajúcich sa rodovej rovnosti*, Nadácia otvorenej spoločnosti, Bratislava, p. 65.

43 Ján Martinec (2005): *Zásada rovnakého zaobchádzania v pracovnoprávných vzťahoch (Vybrané otázky a postrehy)*, in: *Ústav štátu a práva SAV a Informačná kancelária Rady Európy. (Ne)rovnosť a rovnoprávnosť: Zborník medzinárodnej konferencie konanej v dňoch 13. –15. októbra 2005 v Tatranskej Štrbe*, SAP, Bratislava, pp. 282–288.

ban on gender-based discrimination. For instance, the Employment Act was changed in 1999 to forbid the posting of job offers containing any form of discrimination. Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and on Protection Against Discrimination (Anti-Discrimination Act) of 20 May 2004 regulates the application of the concept of equal treatment and defines the means of legal protection if this principle is violated. This law can be viewed as a significant improvement in terms of equal treatment. Gender discrimination in employment and similar legal relationships is prohibited in Paragraph 6 of the Anti-Discrimination Act, which also applies to (a) access to employment, occupation, or other gainful activities or functions, including requirements for employment and the conditions and method of selection; b) employment and working conditions, such as pay, career advancement, and termination; c) having access to vocational training; and d) being a member of and participating in organisations that represent employees, employers, and people in particular professions, including receiving benefits from these organisations. According to Paragraph 8 of the Anti-Discrimination Act, discrimination applies not only if the differential treatment is objectively justified by the nature of the activities performed in the job or the conditions in which they are performed; it also applies if the extent or manner of the differential treatment is reasonable and necessary considering these activities or the conditions in which they are performed.<sup>44</sup>

The Labour Code of 2001 elaborates on the fundamental principles of gender equality and equal opportunity in labour relations by establishing in Article 6 that

*"[w]omen and men shall have the right to equal treatment regarding access to employment, remuneration and promotion, vocational training, and also concerning working conditions. For pregnant women and mothers until the completion of the ninth month of confinement, and for breastfeeding women, working conditions should be secured to protect their biological state with respect to pregnancy, childbirth, care for the child after birth, and their special relationships with the child after birth. For women and men, working conditions shall be secured that will enable them to perform their social functions in the upbringing of children and childcare."<sup>45</sup>*

According to Paragraph 47, point 2, the employer is required by law to treat all employees equally, and simultaneously, it is his responsibility to provide the employee with information about the rules governing compliance with this principle when hired. The prohibition of discrimination against anyone for any reason, including sex, race, colour, language, age, sexual orientation, faith or other beliefs, disability, political or other opinions, national or social origin, or membership in a nationality or ethnic group, includes the principle of equal treatment. The prohibition of all forms of discrimination for these reasons constitutes compliance with the equal treatment principle as does taking precautions to avoid discrimination. In the areas of labour law and similar legal relationships, social security, healthcare, the provision of goods and services, and education, everyone is obligated to uphold the principle of equal treatment.

44 Monika Čambáliková (2006): Prehľad legislatívy ES a SR týkajúcej sa rodovej rovnosti, in Magdaléna Piscová (ed.): *Slovensko na ceste k rodovej rovnosti*, Accord GS, Bratislava, pp. 195–196.

45 Labour Code of the Slovak Republic, Official Gazette Act. No. 311/2001 Coll.

This principle is one of the most significant and challenging facets of European labour and social law. Equal treatment is a major problem that affects civil and criminal procedural, administrative, family, and constitutional laws. The definition of the “*prohibition of discrimination*” was changed to the “*principle of equal treatment*” because of the anti-discrimination law’s passage into law. During the hiring process and throughout the duration of the employer-employee employment contract’s validity, the employer is obligated to treat employees equally. Before hiring an applicant, the employer may not be required to disclose information about the applicant’s family or pregnancy. When it comes to hiring a natural person, it is also against the law for an employer to violate the principle of equal treatment when it comes to accessing employment. The injured party has the right to provide adequate financial compensation if the employer breaches the legal obligations related to the principle of equal treatment at the beginning of the employment relationship. This also applies to civil service-related legal relations as well as those relating to performing work in the public interest.<sup>46</sup>

From the above, we can conclude that Slovakia is on the right path to achieving true and full gender equality, although there is still room for improvement in this area. In Slovakia, men and women still have significant income disparities, as evidenced by current statistics showing that women typically earn with a quarter less of what men do.<sup>47</sup> According to a survey on 22 October, among the countries in the European Union, Slovakia is the 4<sup>th</sup> from the bottom with the worst results in terms of gender equality.<sup>48</sup> Again, a situation similar to the one in the 1920s arises, where based on the legislation, one could conclude that the regulations concerning gender equality are sufficient; however, in reality, there are situations where these regulations are still not enough, or in some cases, implemented poorly. The issue of equal treatment of female workers in Slovakia is a notable example through which we can prove how difficult it is to change the behaviour and deeply rooted mentality in society.

46 Helena Barancová (2007): *Zákonník práce. Komentár. Piate prepracované a doplnené vydanie*, SPRINT, Bratislava, p. 153.

47 Elena Gemzová (2022): *Aká bola cesta k rovnosti mužov a žien na pracovnom trhu? A sme už v cieľi?*. Available at: <https://blog.profesia.sk/rovnost-muzov-a-zien-na-pracovnom-trhu/> (accessed on 13.01.2022)..

48 Lucia Yar (2022): *V európskom rebríčku rodovej rovnosti je Slovensko štvrté od konca*. Available at: <https://euractiv.sk/section/rodova-rovnost/news/v-europskom-rebricku-rodovej-rovnosti-je-slovensko-stvrte-od-konca/> (accessed on 13.01.2022).