

EQUAL OPPORTUNITIES IN THE CONCEPT OF CORPORATE SOCIAL RESPONSIBILITY

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Abstract: *Corporate Social Responsibility (further „CSR“) is still more using concept, although it does not relate only to companies operating in the private sector but its principles can also apply organizations operating in the public sector. CSR is a very important tool that can help the companies be distinguished from the others. This distinction may be reflected in strengthening competitiveness, improving the image of the company – in relation to customers in the context of increasing in their loyalty, in relation to the employees to improve their retention and in hiring new employees, further reducing costs, improving efficiency etc. The companies increasingly use this tool even though that the application and observance of its principles is based on a purely voluntary basis. In this text, the author focused only on one part of the principles of CSR – equal opportunities in labour relations which belong under social part of CSR*

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Introduction

Corporate Social Responsibility is in the Green Paper, the first comprehensive document about CSR, defined as „a concept whereby companies integrate social and environmental tasks into their business activities and relationships with stakeholders on a voluntary basis." [6] But this is not the only one definition of CSR. A certain freedom is the point by which CSR can be implemented. The idea is that companies behave more responsibly than it is stated by legislative regulations. They go further – beyond economic and legal regulations. This additional aspect is identified as an aspect of corporate social performance. [15] The companies pay attention and invest more in human capital, relations with stakeholders and the environment. This interest which is "in addition" may have a positive impact on increasing productivity and competitiveness, improving the image of the company including making a higher profit. The CSR should reflect a branch, location of the company, its subject and, of course, all kinds of stakeholders who can influence the company or who are influenced by the company. [9]

As it is mentioned above and more, Corporate Social Responsibility has the following features [14]:

- Responsible activities are carried out voluntarily – beyond the obligations arising from legislation.
- Active dialogue with stakeholders (involvement of stakeholders who have significant influence on the company).

It is necessary to have a dialogue with all stakeholders. It is the only way to prevent social and environmental problems which could otherwise influence future competitiveness. [2]

- Long term nature (realization of CSR activities is long and does not end when a company finds itself in a worse economic situation).
- Credibility (CSR activities help to reinforce the credibility of the company. Activities have to be permanent and transparent).

It is possible to divide Corporate Social Responsibility by the pillars which are the part of CSR. It is an economic, social and environmental pillar whose intersection is mentioned „social responsibility”.

The substance of the economic pillar is the impact on the economy at a local, national and global level. The indicator can be for example the influence on development in employment, the fight against corruption etc. [14] It can be [1], [12]:

- Transparency of the business.
- Application of principles of good governance.
- Compliance with codes of good conduct, ethics codes.
- Making good relationships with stakeholders etc.

The social pillar includes these issues: [12], [16], [21]:

- Employment policy.
- Education, development of human capital.
- Employees’ benefits.
- Equal opportunities (non-discrimination during recruitment, equality of wages, support career development of women, kindergarten or nursery supported by the employer, using of flexible forms of work,...), balance of personal and work life of employees.
- Support of the others – individuals, organizations that lead to achieve higher quality of life – both individual and then the whole society.

The third pillar is the pillar focused on ecology, environmental area. The substance is the focus of the company on reducing negative impact its activities on the environment. The aim of this pillar of the CSR is reducing of emissions, pollution, protection of natural resources, protection of health of the employees, inhabitants, a support the development of technologies that are friendly to the environment. [1], [12].

The issue of equal opportunities which this article deals with is a part of the social pillar of CSR as it is mentioned above.

1 Equal opportunities

Equal opportunities for women and men are defined as “a state in which both sexes have a freedom to develop their skills and to take advantage of opportunities. It means the same visibility, the equal status and equal participation of both sexes in all spheres of public and private life.” [16]

1.1 Equal opportunities and the labour

The Labour Code in the Czech Republic deals with the issue of equal opportunities - with the prohibition of discrimination. It is in the Title III, § 13 – Fundamentals principles of labour relations. Quote from paragraph 2 of this Act [21]: The employer:

- Does not have to transfer the risk of dependent work performance to employees.
- Must ensure equal treatment with employees and observe the prohibition of discrimination of employees.
- Must observe the principles of providing the same wage and other financial payments or the same bonuses for equal work and for work of the equal value,...

The equal treatment and non-discrimination is also in Title IV, § 16 in the Labour Code. For discriminating characters are considered especially [21]:

- Age.
- Marital / family status.
- Nationality.
- Ethnic or social origin.
- Race.
- Color of the skin.
- Gender or sexual orientation.
- Faith and religion.
- Language.
- Property.
- Family line.
- Health.
- Political or other opinion.
- Membership or activity in political parties or movements, trade unions and other associations.

1.2 Violations in the case of Equal opportunities

In the case of violation of the provisions mentioned above, it is called as administrative offenses. An administrative offense is a breach of legal duty which is not a criminal offense. [8]. The State Labour Inspection Office and its organizational components - the regional inspectorates - oversee the obligations that are imposed on the employer by the Labour Code. [8], [20] These violations can be in the field of equal treatment which may be committed by a company or individual [8]:

- Failure to ensure equal treatment with all employees, if it is about working conditions, payments for work and other financial performance and payments, training and opportunity to achieve higher position.
- Discrimination of the employee.
- Penalty or disadvantage of the employee because he legally demanded his rights and claims arising from employment relationship.

- No discussion or at the employee's request with the representatives his complaint to the exercise of the rights and obligations arising from the employment relationship.

In the case of above mentioned violations, penalties threaten up to CZK 400.000.

If we consider the violations in remuneration of employees, the company or individual, for the fact, that [8]

- Fails to provide to the employee for equal work or work of equal value the same wage as to other employee.
- The penalty threatens at the maximum of CZK 500.000, 1.000.000 and 2.000.000.

2 Equal opportunities in practice

In the case of searching new employee or filling the vacancies among existing employees, it is necessary to see everybody independently and dispassionately, only as a "person". Person who has a certain degree education, working experience for certain time, additional knowledge, skills, abilities,... Those are subsequently compared with specified requirements for mentioned vacancy which we want to fill. It is not possible to consider which the worker has a status (married / unmarried), if he/she has children (and how many),... It is necessary to consider only in professional line (level) – about skills, abilities, potential,... Remuneration is very closed to these issues. It is not possible to make differences. It is necessary for the same work or the work of equal value provide same wage, same financial payments.

2.1 Hot to not discriminate

To support non-discrimination, it is possible to contribute in many ways:

- Do not make the difference between men and women in positions, in payments,.
- Support and assistance in participation of women with children into work by using shorter working hours, agreements on work performed outside the employment relationship.

The origin of this discrimination is in the past seasons when it was common that parental leave remained particularly women – mothers. Because parental leave is possible to draw up to three years of age of the child, so with two children they were out of working environment approximately 6 years. It is obvious that because of this time it could affect the fact that they lost the overview about current working issues. As a result, men were certainly pushing "forward", they were preferred in filling senior positions because they were not supposed to leave the position in few years because of the child care. Currently, however, more men stay with children at home and it is not only because of the financial reasons of the family. If the men ask for taking parental leave, the employer is obliged to comply with his request. Parental leave is provided in the length which it is asked for but not more then three years of age of the child. The legislation here honors the principle of equal treatment – both parents are to care for a child and it is only their decision as they use this right. [4], [21]

But why not to allow a worker (employee) to participate in the activities of the company during the parental leave? It can bring the benefits both to the employer who obtains motivated employees and it is his investment in the future and to the employees who remain in the working environment, they are in contact with other people, colleagues, business partners, but what is more, they do not lose their acquired work experience. The employees welcome the opportunity to be involved in working process according to their requirements and time. And because they manage both private and professional life, they are happier and more relaxed which has a positive effect on their work and results. [7]

The possibilities of cooperation while the employees take their parental leave, is quite enough: cooperation on the basis of agreements on work performed outside the employment relationship (at the current or different employer), work from home via the internet, shorter working hours (for example 15 hours per week instead of 40 hours; beware in this case, the employee is not under the protection according to § 53, paragraph 1, d) of the Labour Code – no dismissal of the employer). We can use again corporate kindergarten:

- Employment for the people aged more than 50 years or who are long-term unemployed.
- Employment for graduates, help them to gain the experience.
- Employment for people from ethnic minorities.
- Employment for people with disabilities, disabled people, etc.

According to the statement of The State Labour Inspection Office these most common violations in the labor occurred in the 1st quarter of 2011 [17]:

- Unequal treatment in remuneration and compensations for unused vacation pay.
- Breaking the obligations in changes and termination of employment.
- Breaking the obligations relating to confirmation of employment, assessment and payments of lower wages than the lowest level of guaranteed wages.
- Failure to pay additional charges for work on Saturdays and Sundays, holidays and work at night.

In the first half of 2011, the authorities of labour inspection made a total of 11,312 inspections at employers. The violation was found in 7,855 cases – employers. Number of fines was in the total number of 1,019 and the total amount of CZK 38,206,000 (both in safety and health at work and employment area; statistics do not distinguish these issues). [18]

3 Companies in present

In the present, many companies have already committed to equal opportunities and ban any type of discrimination (because of the age, gender,...). The declaration of the companies we can find in their policies, ethical codes etc. Although the CSR was at the beginning supported especially by large or multinational companies, it is very important for all types of businesses in all sectors, both for large, medium and small companies. Among these companies belong companies focused on manufacturing, financial or business services etc. Many of these companies take into account in their

business relations if the business partners consider the CSR issues as important and if they pay the attention to it. Some examples from different sectors are mentioned below.

Ethic Code of Skanska

„We provide equal opportunities to people regardless of race, color of skin, gender, nationality, religion, ethnicity or other distinctive characteristic. We do not allow discrimination or harassment.” [5]

Report on Sustainable Development in ČSOB Group in 2007

„During recruitment new employees and evaluate existing staff we consider the quality of performance and the depth of knowledge and skills... At all levels we observe human rights and respect the opinions of each individual regardless of gender, race, religion and belief...” [22]

Corporate Social Responsibility policy in Metrostav a.s.

„The company is committed to „... not to practice or not to support any form of discrimination in the labour-law relationship,...“ [11]

České aerolinie a.s.

During the season 2006/2007 has been great progress in balancing work and personal lives of the employees of the company České aerolinie a.s. The programs focused on supporting women and men who take their parental leave have been established. Every employee leaving on maternity, respectively parental leave will receive the information in written form about their rights and obligations including possibility to participate in chosen educational programs during this period. [3]

Ikea

A lot of facts, respectively minimum level of requirements that the company takes into account in cooperation with its business partners, is set in the Ethics Code of Ikea Group. It is also set what business partners can expect from the company. Among these requirements is defined the prohibition of any discrimination. [10]

Corporate Social Responsibility of DHL company

CSR of the company is a key element of its corporate strategy. Acting responsibly as a company is to behave with a respect and sustainability to its employees, environment, interests of society and capital, which has been entrusted to it. [13]

Conclusion

Corporate Social Responsibility has become more using tool that helps to companies or organizations to differentiate themselves from the others. And this is despite the fact that there is no pressure from legislative framework because following the principles of CSR is based purely on a voluntary decision.

The fact that the company follows the principles of CSR, it is mentioned in its ethics codes, statements or policies of responsibilities. These documents are at disposal on the websites so everybody can be informed about them.

One of the principles of CSR is the issue of equal opportunities. The companies emphasizes in their statements that they do not support any kind of discrimination. This information is very important both for companies' employees and business

partners. And very important for future potential employees and business partners too. Everyone can be sure according to these statements, that all are treated equally, everyone “will be measured in the same way.” Of course – it should be. As it is stated in Article 1 of the Charter of Fundamental Rights and Freedoms [19]: „People are free in dignity and rights...”. Unless this is not in labour issues, it is necessary to inform immediately and ask the Labour Inspectorate for investigation...

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