

# **EUROPEAN SOCIAL CHARTER**

## **THE NINTH REPORT ON THE APPLICATION OF THE EUROPEAN SOCIAL CHARTER**

**SUBMITTED BY THE GOVERNMENT OF THE CZECH REPUBLIC  
(for the period to December 31, 2010)**

Articles 1, 15 and 18 of the European Social Charter and Article 1  
of the Additional Protocol of 1988

**CONTENTS**

**REPORT ON APPLICATION OF THE EUROPEAN SOCIAL CHARTER**

**ARTICLE 1: THE RIGHT TO WORK .....3**

*Article 1, paragraph 1.....3*

*Article 1, paragraph 2.....23*

*Article 1, paragraph 3.....33*

**ARTICLE 15: THE RIGHT OF PHYSICALLY OR MENTALLY DISABLED PERSONS TO VOCATIONAL TRAINING, REHABILITATION AND PROFESSIONAL AND SOCIAL RESETTLEMENT .....35**

*Article 15, paragraph 2.....35*

**ARTICLE 18: THE RIGHT TO ENGAGE IN GAINFUL ACTIVITY IN THE TERRITORY OF OTHER CONTRACTING PARTIES.....68**

*Article 18, paragraph 4.....68*

**REPORT ON APPLICATION OF THE PROTOCOL TO THE EUROPEAN SOCIAL CHARTER**

**ARTICLE 1: RIGHT TO EQUAL OPPORTUNITIES AND EQUAL TREATMENT IN MATTERS OF EMPLOYMENT AND OCCUPATION WITHOUT DISCRIMINATION ON THE GROUNDS OF GENDER .....76**

## ARTICLE 1: THE RIGHT TO WORK

### *Article 1, paragraph 1*

*"With a view to ensuring the effective exercise of the right to work, the Contracting Parties undertake: to accept as one of their primary aims and responsibilities the achievement and maintenance of as high and stable a level of employment as possible, with a view to the attainment of full employment;"*

### **Outline of economy development in the Czech Republic for the period of years 2007 - 2010**

The monitored period of the years 2006 – 2010 can be divided into two diametrically different semi-periods. The overall economic development was of positive character until the end of the year 2008, which was also reflected into the area of employment. The main problem was lack of qualified labour forces or as the case may be mismatch between offered and required qualifications in the labour market, the so-called “skills mismatch”. Since the last quarter of the year 2008 impact of the financial and economic crisis has been appearing in the Czech Republic (with the exception that the financial crisis itself did not affect the Czech Republic during this period). The main aim was to maintain the maximum number of jobs and fight against increasing unemployment. Due to adverse public finances development the main priority was stabilising state budget, decreasing the public budgets deficit, in particular in form of expenditure reduction, in the period of the years 2009 – 2010.

The Czech economy reached the economic cycle top at the 3<sup>rd</sup> quarter of the year 2007 followed by the stage of gross domestic product slowdown. Since the first half of the 4<sup>th</sup> quarter of the year 2008 repeated monthly **falls in industrial production** have taken place and have reached almost 10 %. Industrial production for the year 2009 was lower by 23.3 % on the year-on-year base. Foreign trade turnover represented the largest fall in history of the Czech Republic at the 1<sup>st</sup> half of the year 2009. **Fall in foreign trade turnover** was 20.3 % compared to the first half of the year 2008. The most important was in particular the fall in foreign demand from the EU, where almost 85 % of Czech export is directed. The automobile industry was affected very sensitively (its output was decreased to half in December, 2008).

**Unemployment has been rising** in the labour market and simultaneously the number of vacancies has been decreasing. The most **job opportunities** have been decreasing in numbers in branches, where men labour forces are required, as they are metal production and metal processing, or in associated branches, as they are automobile industry and logistics.

Employers initially reacted on decrease in demand for goods and services **with termination of employment relationships** with agency workers, foreign migrant workers, employees of retirement age or employees with a fixed-term contracts, later on with shortening working hours or temporary suspension of work (partial unemployment). Only later on they started to lay off their permanent employees.

Revitalization of German economy have had favourable impact on the industry development since the second half of the year 2009. Positive messages signalling the economic revitalization came also from other important European economics. **However, the production rate of the Czech industry decreased in general by 13.6 % on the year-on-year base in the year 2009.**

**Year 2010** can be characterized by revitalization of worldwide and European economics and thereby improved foreign demand. Revitalization of both the EU economy, where 83.8 % of total Czech import was directed, and the in particular revitalization of the German economy was crucial for the Czech Republic.

From a long-term view the German market is the most important one for Czech companies and to a certain extent it predetermines the overall Czech export development. **From a long-term perspective the Czech export is driven in particular by the automobile industry. In the year 2010 the Czech economy reported growth of industrial production by 10.3 %.**

#### Employment Policy of the Czech Republic

The Government of the Czech Republic in compliance with its Government Policy Statement – of which key priority has been stabilising and decreasing public budget deficit – in addition to its usual measures in framework of its active employment policy it focused in particular on systematic solution of the problem of unemployment including its long-term component, **in particular on:**

- Rise in demand for labour forces in the labour market in the manner of reducing the entrepreneurial environment regulation, administrative and tax burden on employers. In the area of labour force supply the measures have been focused on enhancing motivation to be placed to work, in particular in case of groups of citizens exposed to social exclusion, to have work rather than social income.
- Activization of groups of citizens, which have been excluded from the labour market so far. At the same time it focused on improving their qualifications in accordance on demands in the labour market. Adjustments in the area of education and training for jobs and further lifelong learning and educational programmes have been aimed to achieve this target.
- In the area of family policy it has been focusing on increase and diversification of offer of childcare services with the aim to increase employment of women – mothers, to facilitate return of parents to work and their standing at their positions, removal of administrative burden at establishing and operating the facilities serving for children care and improving opportunities to parents as concerns selection a method how to harmonize family life with work.
- In the area of social inclusion and social protection policy it focused on fight against poverty and social exclusion in the way of higher interconnection with the employment policy, activation of people and targeted social benefits and services to those who are most vulnerable and disadvantageous, strengthening the principle of individual responsibility for one's own situation, on improving motivation of an individual in difficult social situation to enhance his social status by him/herself through better access to the labour market.

#### **The National Reform Programme of the Czech Republic for the period of years 2008 - 2010**

The Czech Republic was performing on annual base assessment of the National Lisbon Programme (the National Reform Programme of the Czech Republic) for the period of years 2005 – 2008 defending the program before the European Commission on a regular basis. Due to expiry of the Programme the Czech Republic assessed the Programme for the given period and prepared a new **National Reform Programme of the Czech Republic for the period of years 2008 – 2010** which was passed by the Government on October 20, 2008.

The most important reform steps taken in framework of the National Reform Programme for the period of 2008 – 2010, to which the National Reference Framework for drawing funds from the EU structural funds responded, were reforms in the area of employment – **in particular flexibility of the labour market**. In the area of **inclusion of persons in the labour market** attention was paid to persons at the beginning and at the end of their professional carrier. Reforms adopted in the area of **development of education** were aimed in order to enhance quality of labour force, extend education possibilities and support the ability to cope with demanding conditions on the still changing labour market.

**The program was prepared before the advent of the financial and economic crisis.** Thereby some planned measures in the area of employment, for example introduction of the so-called green cards and simplification of the principle for access of foreign nationals to the labour market, lost their meaning. Due to political situation some prepared measures were suspended, on the contrary some measures focused on solution of crisis impact on employment and the labour market were accepted. However, the main principles, as they are the main directions of employment and the principle of flexicurity, remained in validity.

### **Contents of the National Reform Program for 2008 – 2010 - part employment**

General factors affecting the employment policy were contained in the Macro-economic part of the National Reform Programme, in particular the following accepted priorities:

- to ensure economic and fiscal maintainability as a basis in order to improve employment;
- modification of parameters of the pension system;
- support effective distribution of resources focused on growth and employment;
- adaptation of eligibility to social benefits within the system of social assistance in material need with the aim to enhance motivation to work and expand the space for financing expenditure priorities;
- shift from direct taxation to indirect taxation.

### **Fulfilment of the National Reform Programme for the years 2008 - 2010**

#### ***Implementation of the Employment Policy***

As of January 1, 2009 amendments of some acts came into force (including the Employment Act). Simultaneously, on the the same day the rate of health insurance - and the national employment policy contribution have been decreased. Insurance paid by employers for the health insurance was decreased from 3.3 % to 2.3 %. Furthermore social security insurance - and the national employment policy contribution were decreased for self-employed persons. This measure was targeted in order to decrease labour prices and non-wage expenditures for labour forces.

**Trends in the employment policy 2010 were not significantly changed compared to the year 2009.** Small modifications were implemented in case of groups, which are preferentially supported by the active employment policy instruments. It concerns:

- disabled persons;
- persons under the age of 20;
- pregnant women, breastfeeding women and employees-mothers until 9<sup>th</sup> month after the childbirth;
- persons caring for a child under the age of 15;
- persons over the age of 50;
- unemployed for more than 5 months;
- persons with a need of special care.

## Legal Framework

Main legal regulations in the area of employment were the **Employment Act (435/2004 Coll.)** and the **Labour Code (262/2006 Coll.)**

In January, 2009 the **amendment of the Employment Act** (Act N. 382/2008 Coll.) has come into force. The amendment was aimed at strengthening motivation of people to search for and accept a new employment. The amendment adopted the following changes:

- **Changes in employment of foreign nationals** – introduction of a system, **the so-called Green Cards** (specification is given below), and **cancellation of employers' obligation to obtain a permit issued by the Labour Office to be allowed to recruit employees from abroad on the basis of.**
- **Stricter conditions for provisions of unemployment benefits** in case of refusal to participate in retraining or refusal to cooperate in processing of an individual action plan. Unemployment benefit is not also provided to a job seeker, who repeatedly terminated a suitable job which was mediated by the Labour Office, without giving a serious reason.
- **The amount of unemployment benefit** equals to 65 % from an average monthly net salary or from an assessment base for the first 2 months of support period, for the next 2 months it equals to 50 % and for the remaining part of the support period it equals to 45 %.
- Unemployment benefit is awarded assessed to a job seeker for first 2 months in the amount of 0.15 multiple of average salary in the national economy for 1<sup>st</sup> – 3<sup>rd</sup> quarter of a calendar year preceding to a year, when an application for this benefit was filed, for the next 2 months it equals to 0.12 multiple and for the remaining part of the supported period it equals to 0.11 multiple on condition that:
  - a) he/she met the condition of previous employment with inclusion of compensatory period and this period is considered as the last employment;
  - b) he/she is not able to prove an amount of his/her average net monthly salary or an assessment base without his/her own fault;
  - c) it is not possible to determine a net monthly salary or an assessment base for such an applicant.

Support during retraining is awarded to a job seeker similarly in cases a) – c), but the coefficient amounts to 0.14 for the entire supported period.

- **Length of the supported period** is determined for persons under age of 50 years for 5 months, for persons over age of 50 to age of 54 years for 8 months and for persons over age of 55 years for 11 months.
- **Change of the condition for creation of the right to unemployment benefit. The job seekers must prove 12 months of the pension insurance during the previous three years.**
- The Labour Offices got the right to inspect amounts of net monthly income, be specific within the scope necessary in order to assess the amount of unemployment benefit and support during retraining.
- The sanction for enabling illegal work was increased from 2 to 5 million CZK. The amount of sanction which can be imposed for an administrative delict - committed by a physical person -performing illegal work, remained on the same level (i.e. 10,000 CZK).

- Regulation on **the so-called non-colliding job** was changed. The existing time limitations were cancelled and the only one criterion for the opportunity of a job performance on the basis of employment relationship or service relationship or on the basis of agreements -on work performed outside the scope of regular employment relationship (agreement to perform work and agreement to complete concrete task) with simultaneous recording at records of job seekers was a gross monthly income not exceeding half of a minimum wage (for the entire monitored period it was 8,000 CZK per month). In case the job seeker was not able to prove an amount of monthly remuneration, the amount of remuneration for one month for a period, for which it belonged, was decisive.
- **The Labour Office could exclude a job seeker from the job seeker registry in case when he refuses to participate in retraining without giving a serious reason.**
- It enabled to **all job seekers to apply at the Labour Office for an individual action plan** in order to support their application in the labour market. The Labour Office has been newly obliged to process individual action plans to all job seekers, who were kept in job seeker registry for a continuous period longer than 5 months.
- Cases, when a job seeker obviously breached one of his obligations and gave reason for sanctioning exclusion from job seeker registry, but before commencement of the administrative procedure he/she applied for termination of recording in job seeker registry and in this way he avoided to a justified sanction, were stopped. The new legal regulation enabled the Labour Office to start and conduct administrative procedure in this matter in case, when the Labour Office had information on reason for withdrawal from job seeker registry on the day of delivery of an application for termination of records in the registry.
- Drawing unemployment benefit and support during retraining in parallel with sickness benefit from non-colliding job in parallel was enabled.
- Contribution to disabled persons employment is linked to jobs on the basis of employment relationship, not on the basis of agreements on work performed outside the scope - of employment relationship.
- Decrease of the age limit for persons considered as disadvantaged persons in the labour market from 25 years of age to 20 years of age.
- Labour Offices stopped to offer vacancies which were reported by an employer breaching the labour and wage regulations.
- Specification of elements of agreements on provision of contribution to partial reimbursement of operational costs connected with **sheltered jobs** and **sheltered workshops**. It further determined that the condition for granting these contributions is zero indebtedness of an applicant.
- **Contribution to support the employment of disabled persons** could be only provided for every employed disabled person in employment relationship with an employer having more than 50 % of disabled persons from the total number of its employees. The contribution belonged to the employer on a monthly basis in the amount of actually expended wage expenditures for an employee in employment relationship, who was a disabled person, including social security insurance and the national employment policy contribution and health insurance, which were deducted by the employer from assessment base of such employee, but as maximum the amount of 8,000 CZK. It was newly determined that this contribution could not be provided for a disabled employee for a quarter, when another contribution was provided by the Labour Office for this employee, of which amount is determined on the basis of actually paid wage expenditures for an employee, or a contribution to shift to a new entrepreneur programme;

- **Contribution to reservation of one societally purposful job** could be provided maximally for a period of 6 months or, as the case may be, 12 months as regards some categories of job seekers. This option was limited only to job seekers with physical or mental disability and job seekers over the age of 50 years.
- **Bridging contribution and transport contribution** to appeared in practice as low-important active employment policy instruments and therefore they **were cancelled**.
- The amendment enabled to provide **contribution on recruitment** only in case when recruitment was performed by a physical person, who does not represent an employee (e.g. a partner in a business company) of the employer, who provides the recruitment, or he does not represent the employer itself. Since January 1, 2009 the contribution towards recruitment could have been provided only **for job seekers under the age of 20 years**.
- The application for individual **active employment policy instruments** must have been supplied in addition to others with **a confirmation that an applicant does not have any tax arrears in tax records and he/she does not have any insurance arrears and penalties for public health insurance and any insurance arrears and penalties for social security insurance and the state employment policy contribution**.
- The existing legal regulation for performance of artistic, cultural, sport and advertising activities of children was more specified (details are contained in the Eight Report of the Czech Republic on the Application of the European Social Charter).
- Employees of inspection bodies got authorization in framework of their inspection activities to ask natural persons, who stay on workplace of the inspected body and perform work for it, an evidence of identity and a proof that they perform this work on the basis of an employment relationship or on the basis of another agreement. As regards foreign nationals they are further authorized to ask for submission of a work permit, if required by law, and a residence permit or a green card, if required by law. For non-fulfilment of the mentioned obligations the control body can impose a procedural fine up to the amount of 5,000 CZK, be specific also repeatedly, but maximally up to the amount of 50,000 CZK.

Since January 1, 2009 a new measure has been adopted into the system of support in material destitution; **the institute of “community service”** in form of small activities performed for the benefit of a municipality represents an opportunity owing to which in particular persons long-term staying in the state of material destitutions can maintain or develop their skills and social habits.

## **Green Cards**

Green cards represented a measure adopted during the period of lack of qualified workforce in some branches with the aim to enable access to foreign nationals (outside the EU and EEA countries) with high qualification level to the Czech Republic and to the Czech labour market.

The green card represents a **dual document** including both the work permit and the residence permit. It is issued for a particular job. Jobs suitable for green cards are in particular jobs, which cannot be occupied by workers from the Czech Republic or EU/EEA.

The green card is divided into **three categories**:

- type A: for qualified workers having university education and key personnel;
- type B: for workers on the positions minimally with the requirement – apprenticed
- type C: for other workers



**Validity of the green card** is two (category B and C) or three years. As regards green card of type A and B it can be prolonged for next 3 years under certain circumstances.

Jobs determined for holders of green cards can be found in the central records of vacancies, which can be occupied by a holder of the green card, accessible on Internet (website of the Ministry of Labour and Social Affairs - [http://portal.mpsv.cz/sz/zahr\\_zam/zelka](http://portal.mpsv.cz/sz/zahr_zam/zelka) ).

Application for the green card must be submitted at the Embassy of the Czech Republic in respective countries. The administrative fee amounts to 1,000 CZK. The approval procedure usually lasts less than two months. The green card is issued by the Ministry of the Interior of the Czech Republic (issuance of the green card is associated with a fee in the amount of 2,500 CZK). It determined in its Decree N. 461/2008 Coll. a **list of 12 countries, of which citizens are authorized to apply for the issuance of the green card**. It concerns Australia, Montenegro, Croatia, Japan, Canada, Korea, New Zealand, Bosnia and Herzegovina, Macedonia, the United States of America, Serbia and Ukraine). The limited number of countries is given by a fundamental change in the area of employment due to economic crisis.

### **Programmes, Projects**

As reaction to crisis **the Ministry of Labour and Social Affairs and Labour Offices improved communication activity towards employers and redundant workers. A network of counselling services** was enhanced focusing on searching for placing of job seekers to work, on enhancing motivation and skills also of less-qualified job seekers, which are required for finding a new job.

During the course of 2009 **financial means from the state budget were gradually increased for unemployment benefits from the original 5 billion CZK to 15 billion CZK. The state budget intended for the active labour market policy measures was also adequately increased to approx 1.5 billion CZK.**

Since 2008 funding of the active employment policy has been built on maximum application of financial means from the European Social Fund. In total 2.1 bil. EUR (approx 50 bil. CZK) from the European Social Fund are available for the current programming period till end of the year 2013 or, as the case may be, 2015. One third is intended for the employment policy. As concerns the active employment policy, retraining, socially purposeful jobs and public works (support to creation of permanent and temporary job) have been funded from the European Social Fund. The financial means of the state budget have been focused on measures which cannot be financed from the European Social Fund, in particular establishment and operation of sheltered workshops, support to employers employing high share of disabled persons etc.

### **Projects “Training is a Chance” and “Educate yourselves!” (2009 – 12)**

As part of the reaction to the economic crisis special projects have been prepared and implemented by Ministry of Labour and Social Affairs under the Operational Programme “Human Resources and Employment” in the area of support axis 1.1 “Promotion of adaptability of employees and of competitiveness of enterprises”; projects called “Training is a Chance” and “Educate Yourselves!”. Accepting of applications was terminated at the end of 2009, and some supported projects were still running in 2011.

For both activities, the applications were filed by employers – business entities; their positions were, however, mutually defined, in order to prevent a duplicated financing of the same activities or entities. In the project “**Educate yourselves!**” the application could have been filed at the Labour Office by employers who had to reduce production in their works and whose employees were entitled to a reduced payment of wages pursuant to Section 209 of the the Labour Code, or by employers who started experiencing a decrease in their production orders due to the global financial and economic crisis but who did not want to apply Section 209 of the Labour Code yet.

Upon the call “**Training is a Chance**” the project application could have been submitted to Ministry of Labour and Social Affairs by employers who in the time of filing the project application neither applied the provision of Section 209 of the Labour Code nor filed an application for a contribution within the project “Educate yourselves!” at the Labour Office.

In both measures, the supported activities included in particular activities of further adult training of employees; in addition, in the call “Training is a Chance” there were also other areas related to, for instance, setting up the system of human resources.

The amount of CZK 4.5 billion was allocated upon the call “Training is a Chance”. Within the selection procedure, the total of 1,093 projects was recommended for support; their total volume was nearly CZK 4.461 billion and ca. 150,000 employees should be supported in them.

Within the project “Educate yourselves!”, more than 3,000 companies were supported and ca. 180,000 of their employees participated in educational activities. The total amount of financial means drawn was CZK 1,356,518. There is an equal share of small and middle-sized enterprises as well as big companies among the recipients.

From the educational activities provided within the supported project applications, the most common are the soft skills: communication and presentation skills, business skills, language and IT skills, and also specialized professional training.

### **Basic Statistic Data for the Labour Market in the year 2010**

After significant fall in **employment rate** in the year 2009 (by 68.2 thousand) **year-on-year fall slowed down in the year 2010** and since the 2<sup>nd</sup> quarter a **moderate quarter-on-quarter rise has appeared**. Compared to the year 2009, when fall in employment rate had affected in particular men, **the proportion of men and women was equal out of the total number of decrease in employment; the number of employed men declined** by 25.4 thousand to **2,798.3 thousand** and the number of employed women by 23.6 thousand to **2,086.9 thousand**, proportion between employed men (57.3 %) and employed women (42.7 %) remained on the same level.

According to the Czech Statistical Office Selective Survey of the Labour Force (VŠPS) the total **employment rate** in all areas of the Czech national economy **fell to 4,885.2 thousand persons**, on the year-on-year base it was **lower by 49.1 thousand persons, i.e. by 1.0 percentage point (p.p.)**.

**The total employment rate** for persons of age group 15 – 64 years recorded year-on-year **fall** by 0.4 p.p. to **65.0 %**. The women employment rate fell by 0.4 p.p. to 56.3 % and the men employment rate by 0.3 p.p. to 73.5 %. The employment rate of older persons (55 – 64 years) fell in total by 0.3 p.p. and amounted to 46.5 %.

**In the primary sector**, the employment rate recorded year-on-year **fall** by 2.5 thousand to **151.2 thousand of persons**, **proportion** of this sector made up **3.1 %** of the total employment rate. **In the secondary sector**, the employment rate recorded year-on-year **fall** (by 47.4 thousand) to **1,855.7 thousand of persons** (it was significantly less compared to the year 2009, when it had fallen by 124.1 thousand). Its proportion in the total employment rate **decreased to 38 % (industry recorded fall by 15.6 thousand to 1,390.8 thousand of persons and proportion made up 28.5 %)**. **The building industry** recorded (compared to the previous years) **fall** in employment rate by 31.8 thousand to **464.9 thousand of persons**, its **proportion decreased to 9.5 %**. Growth of the number of employed persons **in the tertiary sector** by 0.9 thousand to **2,878.3 thousand of persons** was **minimal** in year-on-year comparison (growth by 60.9 thousand in the year 2009). **Proportion of the tertiary sector** in the total employment rate **increased to 58.9 %**.

**Fall in the number of employees** (including members of production cooperatives) by 87.8 thousand to **4,019.2 thousand** was higher than fall in the total employment rate. They made up, including members of production cooperatives, 82.3 % from the total employment rate (year-on-year fall by 0.9 p.p.). **Growth in the total number of entrepreneurs** (including assisting family members) by 38.6 thousand of persons increased the total number of entrepreneurs to **865.9 thousand** (growth in the category of **entrepreneurs without employees** by 44.1 thousand to **658.3 thousand of persons**). Their **proportion in the total employment rate** made up **17.7 %** (growth by 1.0 p.p.).

**Fall** in the employment rate affected in particular persons with permanent contracts (by 58.3 thousand to 4,527.7 thousand) and **full time contracts** (by 64.4 thousand to 4,596.5 thousand). **The number of shorter-time workers increased** (by 15.5 thousand to **288.6 thousand**, i.e. by 5.7 %). As regards workers **with fixed-term employment** including temporary, occasional and seasonal work and workers employed on the basis of other time-limited agreements their number increased (by 9.6 thousand to **356.8 thousand**, i.e. by 2.8 %). **60.4 thousand of persons were classified as underemployed persons**, i.e. by **5.8 thousand more** than it was in the year 2009. The number of underemployed **men** (by 1.3 thousand of persons) and **women** (by 4.5 thousand of persons) increased.

Year-on-year **fall in the employment rate** was not evident equally for all groups of productive age. It was **evident in particular in groups of younger and older age categories**. As regards young people **under 34 years of age** the employment rate **fell** in total by **62.7 thousand**, the highest fall was recorded for **age group 20 – 29 years of age**, by specific by **40.6 thousand**, which was caused by lower interest from the side of employer to employ young people, in particular school-leavers or graduates. As regards older age groups **above 50 years of age** the employment rate fell by **31.4 thousand**, this fall was recorded in particular in **group 50 – 54 years of age**, be specific by **31.1 thousand**. **Slight growth of employed women above 50 years of age** was recorded (in age group 55 – 59 years of age by 4.8 thousand and in age group 60 – 64 years of age by 1.0 thousand). This fact is associated with the gradually **increasing retirement age** and therefore larger period in employment (retirement age for women depending on number of children was at the turn of these two age groups in the year 2010). On the contrary **the most significant growth** was recorded for persons in age group **35 – 39 years of age** (by 41.5 thousand), which represents an age group of **strong population from the nineteen seventies of the past century**.

**The number of employed foreign nationals** recorded year-on-year fall by 15.4 thousand to **215.4 thousand of persons** up to December 31, 2010 (**compared to the year 2009, when fall represented 53.8 thousand**). Nevertheless a number of foreign nationals **carrying on business on the basis of a trade licence** increased by 3.2 thousand to **91.0 thousand**. Total proportion of employed foreign nationals in the employment rate fell by 0.2 p.p. to 6.3 %.

During the year 2010 cases of collective dismissals decreased. Pursuant to Section 62 of the Labour Code **424 employers** reported **mass dismissals** at the Labour Offices, it had to affect **16,760 employees**. However, the number of reported collective dismissals and the number of affected employees was significantly lower compared to the year 2009, when 1,005 employers reported collective dismissals affecting 45,654 employees.

During the period of recession many employers responded to their economy problems also with reduction in working hours. In case when a trade union is not engaged in a company **the Labour Office** (pursuant to Section 209, paragraph 3 of the Labour Code) makes decision about **wage compensation to employees in a lower amount** (if an employer could not allocate them work within the scope of weekly working hours by reason of temporary limitation of sales or limitation of demand for services provided by the employer). Number of cases of wage compensation in lower amounts were also significantly lower compared to the year 2009 – **in the year 2010**, the Labour Offices received **850 applications** from employers and they issued **812 positive decisions** relating to provision of wages in lower amounts to **36,999 employees** (it was 2,733 applications from employers in the year 2009 and 1,539 positive decisions issued by the Labour Offices concerning 149,275 employees).

**The general unemployment rate** (according to results from the Czech Statistical Office Selective Survey of the Labour Force – EUROSTAT methodology) **increased** by 0.6 p.p. to **7.4 %** compared to the year 2009. **The average rate of recorded unemployment** (reported by the Ministry of Labour and Social Affairs on the basis of records of job seekers at the Labour Offices – ILO methodology) **increased to 9.0 %, i.e. by 1.0 p.p.**

**The number of job seekers** reached **561.6 thousand** up to December 31, 2010 and **it was higher** only by **22.5 thousand on year-on-year base**. Their year-on-year growth was not so significant compared to the end of the year 2009, when the number of job seekers increased by 186.9 thousand on the year-on-year base. The number of job seekers decreased by 63,1 thousand to 528,7 thousand on the year-on-year base in 2010.

**Average monthly state of vacancies** reported year-on-year **fall** by 15.4 thousand to **33.1 thousand**. Compared to the year 2009, when **the number of vacancies** had been constantly decreasing, their stabilization took place **in the year 2010**. **30.8 thousand vacancies** was recorded up to the end of **December 2010** (by 0.1 thousand less compared to the state in December 2009).

Owing to growth of average number of job seekers and fall in average number of vacancies the average **number of job seekers applying for 1 vacancy** **increased** from 9.6 to **16.0** on the year-on-year base. This index had value **18.2 up to the end of the year**.

The number of job seekers **with physical or mental disability** slightly increased. **69.5 thousand of job seekers with physical or mental disability** were recorded at the Labour Office up to December 31, 2010 (by 1.8 thousand more compared to the previous year). Their share in the total number of job seekers recorded year-on-year fall from 12.6 % to **12.4 %** up to this date.

**The number of job seekers above the age of 50** **increased** (by 11.0 thousand) to **155.6 thousand** up to the end of the year on the year-on-year base. The **largest age group 55 – 59**

years had the biggest share in this **growth** (increase by 8.7 thousand). Their **proportion** in the total number of job seekers **increased** from 26.8 % **to 27.7 %**.

**94.9 thousand** of unemployed young people **under 25 years of age** was recorded up to December 2010 (i.e. by 2.8 thousand less on the year-on-year base). Their **proportion** in the total unemployment rate decreased from 18.1 % **to 16.9 %**. **The number of graduates and school-leavers** decreased by 255 to **35.4 thousand** on the year-on-year base and their proportion **fell** by 0.3 p.p. to **6.3 %** from the total number of job seekers.

**Proportion** of women job seekers slightly **decreased** from 47.9 % (up to December 31, 2009) **to 47.8 %** up to the end of the year 2010; the number of women job seekers **increased** from 258.1 thousand to **268.2 thousand**, i.e. by **3.9 %**. On the contrary the proportion of men **increased** from 52.1 % to **52.2 %**; the number of men job seekers increased from 281.0 thousand to **293.4 thousand**, i.e. by **4.4 %**.

**The number of long-term unemployed** (more than 12 months) **increased by 44.1 % to 178.5 thousand on the year-on-year base**. **Proportion in the total number of unemployed increased** from 23.0 % **to 31.8 %** on the year-on-year base. After significant fall, which took place in 2007 – 2008, due to legislative changes in the social area their number returned approximately to the level in first months of 2007.

Year-on-year increase of job seekers was reported in all age categories in year 2010. The highest proportion was **for apprenticed job seekers** (by 7.6 thousand) and for job seekers **with completed secondary school education terminated with the school leaving examination** (by 5.3 thousand).

**In its conclusions on the previous report on Article 1, paragraph 1, the Social Rights Committee requested a response to the following questions:**

The committee requested that the report contain information on what steps are planned to deal with long-term unemployment.

Proportion of long-term unemployed persons also decreased in 2007 and 2008, among others due to changes in the social area, focused on enhancing motivation of job seekers to be placed in work (the “making work pay” principle). Owing to the changed economic situation during 2009, 2010 and 2011 the fundamental problem is reduction of employment rate as such, in particular under the situation when the number of vacancies was between 30 – 40,000. Therefore the Government has adopted measures in order to help in general solution of problems in the area of employment (reduction of administrative burden on employers, reduction of labour costs, further vocational training, promotion and increasing skills level, compensation of reduction in production etc. - see also above).

The committee requested that the report contain information on the unemployment rate among foreign nationals.

### Unemployment rate among foreign nationals (estimate)

<b>SITUATION as of December 31</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
Job seekers				
EU/EEA citizens	3 030	3 799	6 566	6 761
Unemployment rate EU/EEA citizens in %	1.9	2.6	4.5	4.5
Job seekers				
Third countries nationals (work permit is not required)	2 699	2 875	4 523	5 106
Unemployment rate of thirs country nationals (work permit is not required )	21.0	16.5	20.4	18.8
<b>Job seekers</b>				
<b>Foreign nationals in total</b>	<b>5 729</b>	<b>6 674</b>	<b>11 089</b>	<b>11 867</b>
<b>Unemployment rate of foreign nationals in %</b>	<b>3.3</b>	<b>4.1</b>	<b>6.6</b>	<b>6.7</b>

The committee requested that the report contain information on projects which have been implemented under the Decree 1573/05 on the Roma Integration Policy. Some of these also include training projects. The Committee asks for information in the next report on the number of beneficiaries of these measures.

### **Evaluation of projects focused on problems of Roma communities in the period from September 2007 – August 2010**

Several strategic documents target the improvement of the situation of the Roma people on the Labour market. In December 2009, the Cabinet approved the document entitled “**Concept of the Roma integration for the period of 2010-2013**” (Government Resolution N. 1572). The concept addresses a wide range of areas, including education, employment, and other social issues. In the area of employment, it relies, among others, on the study of the World Bank “**Improving employment chances of the Roma**” and contains specific tasks for the key ministries necessary for improving the performance of the public employment services and for achieving closer interconnection of these services with the social services aimed at the local level social integration, promotion of social businesses for the benefit of residents of socially excluded Roma locations, who can only be employed with difficulties, formation of local strategies aimed at the recovery of the local labour markets in excluded Roma locations, and fighting illegal employment. The Concept aims to improve the employability of disadvantaged Roma people by increasing their qualification, to spread the diversity principle within the public administration as well as the business sector to increase the employers’ openness towards employing Roma people. Furthermore, the Concept also enforces rigorous recourse against discrimination in access to employment, strives to increase the initiative of public institutions entrusted with monitoring and sanctioning discrimination on the Labour

market and to improve availability of local level antidiscrimination service for disadvantaged Roma people.

The **Report on the situation of the Roma communities in the Czech Republic** (hereinafter the “Report”) has been annually submitted to the Cabinet. It describes changes in the situation of the Roma people during the given year, therefore continuously monitoring the situation of the Roma people on the Labour market as well. The Report serves as the basis for the formation and execution of various measures of Government, local self-governing authorities, as well as other entities relevant to the Roma integration. The Report also called attention to the barriers, which prevent Roma women from active participation in the Labour market and referred to the need of equalling the chances of Roma women and men.

As from 2005, the Government of the Czech Republic has been involved in the international initiative of twelve European countries, the so-called **Decade of Roma inclusion 2005 – 2015**. For this purpose, the Cabinet adopted the **Action plan of the Decade of Roma inclusion 2005 – 2015**, which the Government undertook to meet by 2015. One of the priorities of the plan is, once again, the area of employment. Specifically, the plan contains measures aimed at improving the employment and employability of disadvantaged Roma people, creating conditions for small and medium entrepreneurs among the members of the Roma minority, increasing the interconnection of the public employment services with other inclusive measures, and at enforcing the equal opportunities policy.

The fulfilment of the Action plan as well as the effectiveness of the executed measures are addressed in the **Report on the fulfilment of the Decade of Roma inclusion 2005 – 2015**, which is submitted annually to the Cabinet for information.

The Report also includes tasks and recommendations for the Ministries involved in the fulfilment of the action plan for the following year (in respect of employment, it concerns the Ministry of Labour and Social Affairs as well as the Ministry of Education, Youth, and Sports). From 1 July 2010 to 30 June 2011, the Czech Republic presided over the Decade of Roma Inclusion 2005 – 2015. Under the presidency, there was a number of activities, which also comprised expert discussion aimed at increasing the employment of the Roma people. The agenda of the Decade will also include the presentation of another World Bank study entitled **Costs of social exclusion**, which broadly follows the previous research “Improving employment chances of the Roma”.

In order to promote the Labour market performance, political guidelines aimed at changes in the social allowance schemes and in the Employment Act, which would increase the motivation to search for and accept new employment and reinforce the relationship of the qualification requirements, school education, and lifelong learning, were adopted within the **National reform plan** approved by the Government Resolution N. 1319 of 20 October 2008.

The year of 2010 was announced by the European Union as the **European Year for Combating Poverty and Social Exclusion 2010** (hereinafter the “EY 2010”). The priorities of the Czech Republic under the EY 2010 are the following areas:

1. Prevention of social exclusion due to excessive debts, increasing the functional and financial literacy;
2. Access to the Labour market for people distant from such market – active integration concept;
3. Activation of local public administration in creating and assessing national and local action plans for combating poverty and social exclusion;
4. Increase in the level of education and thus competitiveness of the poor and excluded people on the Labour market;

5. Support of adequate housing of socially endangered groups and resolution of homelessness.

Projects and activities carried out under the Priority No. 2 are crucial from the perspective of the Roma employment.

**The situation of the Roma people** on the Labour market is generally viewed in the Czech Republic as the consequence of several interrelated socioeconomic factors. This was also confirmed by a joint study of the Government of the Czech Republic and the World Bank: “**Czech Republic: Improving employment chances of the Roma**”, published in autumn of 2008. *The study only targeted people living in socially excluded locations mainly occupied by the Roma people.*

In order to ensure maximum effectiveness of individual measures on the local level, the Government Resolution N. 85 of 23 January 2008 established the **Agency for social integration in Roma locations**, the objective of which is to ensure the support of municipalities within the social integration process. It promotes supra-departmental approach and joint actions of the public administration and non-profit sector. In this regard, the Agency mainly assists to municipalities and local entities in the following areas:

- Ensuring services in support of education, promotion of employment, social services, and social housing, and ensuring infrastructure for such services;
- Drawing on funding from the European structural funds, state budget, regional grant programs, and other sources;
- Communication with the central authorities, namely Ministries responsible for the area of social integration; based on the impulses received in the course of its work within individual locations, the Agency forms proposals in the area of legislation, grant titles, social policies, etc.

Unemployment of socially excluded persons, including the Roma people, posed a particular problem during the recent economic recession. There are several areas for drawing resources for activities promoting, among others, the employment of the Roma people under the **Operational Program Human Resources and Employment** (for drawing on the European Social Fund), which, in general, mainly targets the increase of employment and employability of the target groups.

Under the **employment policy**, the Ministry of Labour and Social Affairs defined resources from the European Social Fund for two so-called priority axis, i.e. “Active employment policy” and “Social integration and equal opportunities”.

The priority axis “Social integration and equal opportunities” then covers the integration of socially excluded people and people at risk of social exclusion, including the removal of barriers of such people’s access to education and employment, by means of ensuring and increasing the availability, quality, and supervision of services. This priority axis, under its two areas of support, directly targets the Promotion of social integration of members of the Roma locations and the Integration of socially excluded groups on the Labour market. In comparison with general objectives of the employment policy of the Ministry of Labour and Social Affairs, the target group is expanded to people at the age of up to 25 years and youth up to the age of 18 years without qualification / with low level of qualification, ethnic minorities and people from different socio-cultural environment, people attending to a dependent family member, and migrants and asylum holders.



Under the priority axis, the Global grant “Social economy” was announced in 2009, which is to promote the formation and development of new business activities aimed at social business activities that would ensure the entry to the Labour market / business environment for socially excluded people and people at risk of social exclusion (also including national minorities) as well as the integration of such people in the society. Such newly formed business activities should become economically independent in the future, sustainable within the local competitive environment, i.e. to act as important regional development actors. The promotion of social economy is, in parallel, interconnected with the promotion executed under the Integration operational program, which targets investment support to the social services providers, employers, and other entities in the course of enforcing and executing the social policy instruments.

One of the areas of the priority axis “Social integration and equal opportunities” directly targets the integration of members of the Roma communities. Also supported are the programs of motivation, work and social rehabilitation, and acquisition of basic social and professional skills, which should enable that a user returns to or enters the Labour market and stays thereon. The support is also aimed at educating service providers, at the provision of social services as well as other tools used for the benefit of social integration of members of the socially excluded Roma communities, at promoting the processes of the social services provision, and at developing partnerships of all entities actively participating for the benefit of the integration of the socially excluded Roma communities.

Another support area directly targets the return of the given target groups (including the Roma people) to the Labour market. Within this area, support is given to projects that bring an opportunity of successful integration on the Labour market, e.g. thanks to an education of the given target group. Furthermore, jobs are created directly for the target groups’ members.

**The accuracy of data relating to the situation of the members of the Roma minority as well as to the effectiveness of measures performed with a view to improve their situation is affected by the regulation of collection of ethnic data, which results from the legal system of the Czech Republic.** The Charter of Fundamental Rights and Basic Freedoms, which is part of the Constitutional law and order of the Czech Republic, guarantees in its Article 3(2) to each person the right to freely decide about his/her ethnicity. At the same time, it prohibits any influence over such decisions and any form of pressure aimed at denationalization.

The prohibition to collect data on the association with a national minority is embodied in Act N. 273/2001 Coll., on the Rights of members of national minorities and on amendments to certain acts. Section 4 of the aforementioned Act states:

*(1) No person may incur any loss in connection with his/her association with a national minority.*

*(2) Public administration bodies do not maintain any register of members of the national minorities. The collection, processing, and use of personal data relating to an association with a national minority adhere to the provisions of special legal regulations. The data on registration to ethnicity collected by such bodies during a population census or under another special law, which enable the determination of association with a national minority, cannot be used for any other purpose than the one, for which they were collected and stored. Such data must be destroyed following the statistical processing thereof.*

Section 4(2) thus also prevents Labour offices / Ministry of Labour and Social Affairs from collecting ethnic data. Therefore, neither of the aforementioned entities can maintain separate statistics on Roma job applicants – for this reason, the situation of the Roma people on the Labour market or the use/effectiveness of Public employment services in respect of this target group cannot be described through reliable statistical data. The unavailability of nationwide ethnic data on the Roma people does not solely concern the area of employment, but also the area of education, health, housing, and other social policy areas.

In addition to Act N. 273/2001 Coll., on the Rights of members of national minorities, the protection of ethnic data is also addressed by Act N. 101/2000 Coll., on Personal data protection, which classifies the association with a national minority in the category of sensitive data, the protection of which follows stricter rules than in case of the collection and processing of standard personal data (section 9 of the Act).

The data on the members of the Roma minority often rely on **qualified estimates** or on the results of rather locally or closely thematically specialized **research studies**, which **work with anonymous data**, the collection of which was directly approved by the Roma respondents. It usually concerns a limited number of Roma respondents, so the outputs of the studies cannot usually be generalised to all members of the Roma minority in the Czech Republic.

**Statistical data relating to the unemployment and the effectiveness of the active employment policy instruments are therefore monitored indifferently of the ethnic association. The Ministry of Labour and Social Affairs does not currently maintain separate statistics on the Roma job applicants, on the Roma people disadvantaged on the Labour market due to low qualification, or on the number of the Roma graduates of retraining programs, which would enable the monitoring of indicators for the priority area of employment.**

**Under the fulfilment of the agenda of the program Decade of Roma inclusion 2005 – 2015, the Czech Republic performs on annual basis qualified estimates of the numbers of unemployed Roma people as well as the Roma, who participate in the retraining programs, consulting activities, publicly beneficial activities, and socially meaningful jobs, and also the Roma people, with whom an individual employment action plan was concluded.**

In 2008, the Ministry of Labour and Social Affairs carried out a questionnaire project aimed at collecting data relating to the provision of the employment services to the members of the Roma communities in order to mediate and increase their employment. In total, 8 authorized Labour offices responded to the questionnaire; however, 5 Labour offices did not complete the questionnaire in line with the specification, as they stated that the questionnaire cannot be completed responsibly, **because the Labour office did not register data relating to national minorities according to their nationalities but according to citizenship.** Another reason was the non-existing definition of the members of the Roma ethnic group, which the Labour office could use for statistical purposes in the area of employment. The following were ascertained for the year of 2008:

*Estimate of the number of the Roma communities' members registered by the Labour offices in 2008*

<b>Region</b>	<b>Total</b>	<b>Men</b>	<b>Women</b>
South-Bohemian region	1080	541	539
Vysočina Region	424	207	217
Pardubice Region	1004	533	471
Zlín Region	459	249	210
Plzeň Region	615	292	323
Karlovy Vary Region	3223	1698	1525
Hradec Králové Region	1100	600	500
Ústí nad Labem Region	4118	1540	2578
South-Moravian Region	4650	2250	2400
<b>Total</b>	<b>16673</b>	<b>7910</b>	<b>8763</b>

*Estimate of the number of the registered Roma communities' members included in the active employment policy instruments in 2008*

<b>AEP instruments</b>	<b>Publicly beneficial activities</b>		<b>Socially meaningful jobs</b>		<b>Retraining</b>		<b>Other</b>		<b>Total</b>
	Total	Women	Total	Women	Total	Women	Total	Women	
Region									
South-Bohemian region	99	40	13	3	21	9	0	0	133
Vysočina Region	56	25	4	2	10	3	0	0	70
Pardubice Region	53	12	1	0	28	10	0	0	82
Zlín Region	24	8	8	1	0	0	0	0	32
Plzeň Region	36	12	2	0	9	3	17	9	64
Karlovy Vary Region	90	32	7	4	173	62	5	0	275
Hradec Králové Region	100	50	0	0	30	10	0	0	130
Ústí nad Labem Region	596	198	72	15	170	57	158	70	996
South-Moravian Region	100	70	36	16	64	34	0	0	200
<b>Total</b>	<b>1154</b>	<b>447</b>	<b>143</b>	<b>41</b>	<b>505</b>	<b>185</b>	<b>180</b>	<b>70</b>	<b>1982</b>

*Estimate of the number of the registered Roma communities' members included in the consultation programs in 2008*

<b>Region</b>	<b>Total</b>	<b>Men</b>	<b>Women</b>
South-Bohemian region	84	44	40
Vysočina Region	56	28	28
Pardubice Region	115	37	78
Zlín Region	20	9	11
Plzeň Region	16	3	13
Karlovy Vary Region	659	339	320
Hradec Králové Region	50	20	30
Ústí nad Labem Region	480	270	210
South-Moravian Region	140	70	70
<b>Total</b>	<b>1620</b>	<b>820</b>	<b>800</b>

*Estimate of the number of the registered Roma communities' members included in the ESF projects in 2008*

<b>Region</b>	<b>Total</b>	<b>Men</b>	<b>Women</b>
South-Bohemian region	115	62	53
Vysočina Region	19	10	9
Pardubice Region	37	17	20
Zlín Region	2	1	1
Plzeň Region	19	13	6
Karlovy Vary Region	66	44	22
Hradec Králové Region	17	10	7
Ústí nad Labem Region	362	180	182
South-Moravian Region	250	130	120
Moravian-Silesian Region	14	0	14
Prague	85	72	13
<b>Total</b>	<b>986</b>	<b>539</b>	<b>447</b>

*Estimate of the number of the registered Roma communities' members, with whom an individual action plan was concluded in 2008*

<b>Region</b>	<b>Total</b>	<b>Men</b>	<b>Women</b>
South-Bohemian region	110	59	51
Vysočina Region	98	53	45
Pardubice Region	21	9	12
Zlín Region	18	10	8
Plzeň Region	51	19	32
Karlovy Vary Region	40	16	24
Hradec Králové Region	30	15	15
Ústí nad Labem Region	250	120	130
South-Moravian Region	250	130	120
<b>Total</b>	<b>868</b>	<b>431</b>	<b>437</b>

*Estimate of the number of the Roma communities' members placed on the Labour market in 2008*

Labour market	Primary Labour market			Secondary Labour market			Total		
	M	W	Total	M	W	Total	M	W	Total
South-Bohemian region	101	83	184	103	74	177	204	157	361
Vysočina Region	44	26	70	35	28	63	79	54	133
Pardubice Region	37	26	63	40	19	59	77	45	122
Zlín Region	36	15	51	11	22	33	47	37	84
Plzeň Region	30	10	40	24	11	35	50	25	75
Karlovy Vary Region	89	62	151	67	35	102	156	97	253
Hradec Králové Region	40	40	80	50	50	100	90	90	180
Ústí nad Labem Region	220	300	520	280	319	599	500	619	1119
South-Moravian Region	400	300	700	80	120	200	480	420	900
<b>Total</b>	<b>997</b>	<b>862</b>	<b>1859</b>	<b>690</b>	<b>678</b>	<b>1368</b>	<b>1683</b>	<b>1544</b>	<b>3227</b>

*Estimate of the number of the Roma communities' members registered by the Labour offices*

Region	Total	Men	Women
South-Bohemian region	1300	730	570
Vysočina Region	649	387	262
Pardubice Region	428	228	200
Moravian-Silesian Region	7136	3980	3156
Liberec Region	1800	1000	800
Plzeň Region	2592	1350	1242
Karlovy Vary Region	3750	2015	1735
Hradec Králové Region	1050	550	500
Ústí nad Labem Region	8500	4300	4200
South-Moravian Region	4828	2355	2473
Olomouc Region	2274	1176	1098
Prague	2450	1140	1310
Central-Bohemian Region	2430	1250	1180
<b>Total</b>	<b>39 187</b>	<b>20461</b>	<b>18 726</b>

The committee requested that the report contain information whether the Government intends to increase expenditure on active and passive employment policy measures.

Considering the restricted budget situation and the attempt to decrease the state budget deficit below 3% GDP in 2013, an increase of expenditures on active employment policy would not be expected. In order to maintain the level of expenditure, the Government and the Ministry of Labour and Social Affairs made several attempts and adopted several measures:

- to increase the effectiveness of expended financial means (social benefits and active employment policy instruments focused on those groups of people in really difficult situation, most vulnerable and disadvantaged),
- to decrease operating and administrative expenditures for employment services (through fundamental institutional changes in the structure of public employment services implemented in April 2011),
- to limit misusing the active employment policy financial means (cases of misuse of financial means intended for support of employment of disabled persons were published),
- to eliminate as much as possible illegal and undeclared work through enhanced inspection activities and penalisation of employers violating the labour and employment legislation.

Furthermore, the Government increased substantially funding from the European Social Fund in the period 2010-2011 – focusing especially on further vocational and educational training of job seekers and workers.

## *Article 1, paragraph 2*

*"With a view to ensuring the effective exercise of the right to work, the Contracting Parties undertake: to protect effectively the right of the worker to earn his living in an occupation freely entered upon;"*

Since submission of the Fifth Report of the Czech Republic the following changes took place:

The general framework of the legal regulation providing protecting against discrimination is based on the Act N. 198/2009 Coll., on Equal Treatment and on Legal Instruments Providing Protection Against Discrimination (**the Anti-discrimination Act**), **which came into force on September 1, 2009**. According to the Anti-discrimination Act, the rules of equal treatment and prevention of discrimination apply:

- a) to the right to work and access to work,
- b) to access to an occupation, business and other types of self-employment,
- c) to work relations, service relations and other related activities, including remuneration,
- d) to membership in and activities in trade unions, employees' councils or employers organizations, including the benefits these organizations provide for their members,
- e) to membership in and activities for professional chambers, including the benefits these public corporations provide to their members,
- f) to the social security,
- g) to the admission and provision of social benefits,
- h) to access to medical care and the provision thereof,
- i) to access to education and the provision thereof,
- j) to access to goods and services, including accommodation, when these are offered or provided to public.

The Act **prohibits direct or indirect discrimination and specifies the grounds of discrimination**, which are race, ethnic origin, nationality, gender, sexual orientation, age, disability, religion, belief or world view.

**Further the Act enables necessary exceptions from the principle of equal treatment** (Section 6, 7, 9). The reason for applying exception can be a special character of work, i.e. satisfaction of a requirement, which is necessary, fundamental and decisive for performance of work. The target aimed with this exception must be justified and the requirement must be adequate.

The Act specified and extended provisions of the Rules of Civil Procedure **on switching the sharing burden of proof** in cases of claimed discrimination (Section 133a of Act N. 99/1963 Coll., as amended) and it delegated to **the Public Defender of Rights ("Ombudsman")** competences in matters of the right to equal treatment and protection against discrimination, which enables another non-formal mechanism of solution of possible disputes in the labour-law area.

By the approval of the Anti-discrimination Act the original concept of the general act associated with specifying provisions in individual labour law regulations was fulfilled.

This Act is followed in the labour law area by the Employment Act (N. 435/2004 Coll.) and the Labour Code (N. 262/2006 Coll.), which have been already described in the Fifth Report. Except of technical amendments, which were associated with effect of the Anti-discrimination Act or, as the case may be, with its delay the anti-discrimination problems for the monitored period have not been changed in these two regulations.

**The Czech Republic also ratified the Convention on the Rights of Persons with Disabilities on September 28, 2009 and it came into force on October 28, 2009.**

**In case of breach of rights and obligations resulting from the right to equal treatment or discrimination takes place, the person affected has the right to claim at the Court to refrain from such behaviour, to remove consequences of such behaviour and to receive adequate satisfaction. In case when such procedure does not appear adequate in particular due to the fact that as consequence of discrimination good reputation or dignity or respect of a person within the society was harmed to large extent, the victim has a right to **monetary compensation of immaterial detriment**. On the basis of a motion filed by a physical person the Court determines the amount of compensation with consideration of seriousness of suffered detriment and to circumstances, under which rights and obligations were breached (Section 10 and 11 of the Anti-discrimination Act).**

In connection with the Anti-discrimination Act a negotiation of the State Labour Inspectorate with representatives of the Public Defender of Rights took place for the purpose of unification and coordination of activities in the area of discrimination in employment relationships at the beginning of the year 2010. Knowledge and experience from this area are being introduced with participation of workers in the office of the Ombudsman into the program of conferences of inspectors in the regional Labour Inspectorates, supervising observation of obligations in the labour-law relationships (Act N. 251/2005 Coll., on Labour Inspection).

In compliance with Act N. 251/2005 Coll., on Labour inspection, the supervision over the compliance of labour legislation is entrusted to the Labour inspection bodies. In case an employer fails to ensure equal treatment of all employees, it is committing an offence or administrative tort, for which a penalty could be imposed.

**In its Conclusions on the previous report on Article 1 paragraph 2, the Committee of Social Rights requested answers to the following questions:**

The committee requested that the report give details of the implementation of Article 16§2 of the Labour Code effective since January 1, 2007.

Article 16§2 referred to an Anti-discrimination Act which was expected to come into force simultaneously with the new Labour Code. Numerous legal documents have to be read with Article 16§2, especially:

- Constitution of the Czech Republic
- Charter of Fundamental Rights and Freedoms
- International treaties and conventions, e.g. the International Convention on the Elimination of All Forms of Racial Discrimination; the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Elimination of all Forms of Discrimination against Women; the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities (since 28 October 2009); the Convention for the Protection of Human Rights



and Fundamental Freedoms adopted by the Council of Europe; the Framework Convention for the Protection of National Minorities adopted by the Council of Europe; the ILO Convention concerning Forced or Compulsory Labour or Abolition of Forced Labour Convention (N. 29 and 105), the ILO Convention concerning Discrimination in Respect of Employment and Occupation or Discrimination (Employment and Occupation) Convention (N. 111); the ILO Convention concerning Equal Remuneration for Men and Women (N. 100), Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions, Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

- Employment Act.

Therefore, it is impossible to provide details on the implementation of Article 16§2 separately.

The committee requested that the report provide information on the progress of the draft Anti-discrimination Act. - See above.

The committee requested that the report give data about the number of discrimination cases brought before the courts and the number of findings of discrimination

In total 173 cases of claimed discrimination was reported to **the Office of the Ombudsman in 2010** (since the Anti-Discrimination Act has come into force). Of concerned 20 cases on the grounds of health disability, 1 x discovered discrimination, 2 x probable discrimination.

During the same year it concerned 8 cases as a consequence of physical or mental disability in work: 2 x probable discrimination, 1 x not confirmed discrimination, 1 x withdrawal. The remaining cases were suspended as unjustified.

As a consequence of physical or mental disability in work it concerned 8 cases during the same year: 2 x probable discrimination, 1 x not confirmed discrimination, 1 x withdrawal. The remaining cases were suspended as unjustified.

From view of **control activities of the Labour Inspectorate** the Regional Inspectorates received 202 claims drawing attention to discriminative acting in the year 2009. The Regional Inspectorates received 226 claims of discrimination of employees in the year 2010.

It resulted from inspections that employers had committed breaches in particular in the area of equal treatment in terms of remuneration, when employers did not provide equally all employees for the same work or for work of the same value. In addition to others the inspection of equal treatment was focused on the area of agency-based employment regardless of the fact whether it concerned an employee who was a Czech citizen or not. In this point breaches were discovered, when some agencies did not ensure equal conditions, in terms of work and wage conditions, for a temporary allocated employees and a comparable employee. These inspections continue.

**The Courts lawfully decided 10 disputes in 2007 – 2010** (three cases in 2007, three cases in 2008, one case in 2009 and three cases in 2010). These disputes concerned employment relationships with discrimination on the grounds of gender (women) and suppression of rights of women pursuant to Sections 238 – 242 of the Labour Code.

During 2007 – 2010 the Courts lawfully decided six disputes (one case in 2007, four cases in 2009 and one case in 2010) relating to termination of employment relationship in connection with discrimination on the grounds of gender.

Furthermore during 2007 – 2010 the Courts lawfully decided six disputes (three cases in 2008, two cases in 2009 and one case in 2010) relating to wage discrimination on the grounds of gender.

The Committee asked whether the notion of age discrimination covers aspects other than discrimination against elderly people.

It covers all aspects of discrimination based on age. For example, in a survey made in 2011, the Ombudsman has stated, that excessive (more than necessary) demands for working experience in a job offer is to be viewed as discrimination based on (low) age. Indirect discrimination could also be offering a “work within a young team”.

The Committee requested that the report state whether the maximum fine of CZK 1,000,000 that can be imposed on employers by the Labour Offices is combined with the amount of compensation that the courts may award to victims of discrimination and whether there is an upper limit on such amounts.

The compensation to the victim is considered separately from the fine (separate proceedings), i.e. it is not calculated in the mentioned limit.

The Committee requested that the report inform on the issue of the possibility of legal entities to represent individuals in discrimination cases.

**In the matters of protection against discrimination** on the grounds of gender, racial and ethnic origin, religion, belief, world view, health disability, age or sexual orientation **the claimant in the proceedings can be also represented by a legal entity established on the basis of a special legal regulation** (Act N. 83/1990 Coll., on Association of Citizens, as amended), whose activities as set forth in the Articles include protection against discrimination. This right is regulated by Section 26, paragraph 3 of the Rules of Civil Procedure (Act N. 99/1963 Coll.)

The Committee asked whether the new anti-discrimination legislation makes provisions for independent support body for discrimination victims.

Under the Anti-discrimination Act, on 1 December 2009 the Ombudsman became the “equality body”. The agenda is handled by the Equal Treatment Unit, which has six full-time employees (three women and three men). The Ombudsman’s activities are funded by a separate heading of the national budget.

Section 21b of the Ombudsman Act lays down that the Ombudsman shall contribute to the promotion of the right to equal treatment of all persons irrespective of racial or ethnic origin, nationality, gender, sexual orientation, age, disability, religion or belief, and to this end shall:

- a) provide victims of discrimination with the methodological assistance they need in pursuing their complaints about discrimination,
- b) carry out surveys,
- c) publish reports and issue recommendations on matters relating to discrimination, and
- d) arrange for the exchange of available information with the competent European bodies.

The methodological assistance consists mainly of providing the client with a written, qualified legal analysis (final report) of the situation in which the client regards himself/ herself to be a victim of discrimination. The client is helped in the gathering of evidence if necessary. The Ombudsman is also ready to arrange mediation for victims of discrimination, where appropriate, and in particular to propose the best way of proceeding in their specific case. If a case of alleged discrimination is put to a court for a ruling, the Ombudsman cooperates with the Czech Bar Association. However, the Ombudsman is not entitled to bring an action to a court of his/her own accord. Nor is the Ombudsman authorized to bear the costs of proceedings or to represent a client before the courts.

Committee asked the government to answer the questions on prison work, namely:

- Can a prisoner be required to work (irrespective of consent):
  - A. for a private undertaking/enterprise
    - i. within the prison?
    - ii. outside the prison?
  - B. for a public/state undertaking
    - i. within the prison?
    - ii. outside the prison?
- What types of work may a prisoner be obliged to perform?
- What are the conditions of employment and how are they determined?

**The constitutional prohibition on submission to forced labour or services does not apply to prisoners** (convicted persons in service of a term of imprisonment) – see Article 9, paragraph 2 letter a) of the Charter. Service of a term of imprisonment should have corrective character and it should lead to re-socialization. Therefore, in addition to necessary restriction of personal liberty of the convicted offender his obligations are also extended. A particular offender is within the program of treatment with offenders, of which part is work inclusion. **Therefore one of the fundamental obligations of a prisoner is to work**, provided that a work is assigned to him. This is not be applied if a prisoner is acknowledged temporary unable to work (sick leave) or he/her is acknowledged as health incapable to work during the service of a term of imprisonment (see Section 28, paragraph 1 of the Act N. 169/1999 Coll., on Service of a Term of Imprisonment, as amended, and further “the Act on Service of a Term of Imprisonment”). This rule is specified by Section 41, paragraph 2 of Decree of the Ministry of Justice N. 345/1999 Coll., issuing the rules of service of a term of imprisonment, as amended (the “Rules of Service of a Term of Imprisonment”), in compliance of which **the obligation to work does not apply to** for example a convicted person above the age of 65 years, a fully disabled person, a person temporary incapable to work or a person, whose health condition does not enable him/her to permanently work. **Refusal to work from the side of a convicted person represents a serious violation of his obligations, for which a disciplinary punishment is imposed on him/her** (see Section 41, paragraph 3 of the Rules of Service of a Term of Imprisonment).

The fundamental question relates to an option to determine obligations to a convicted person to work in a private company (in a private enterprise). **Prisons can employ convicted persons in framework of their operations, own production or entrepreneurial activity and/or at other entities on contract base.** These entities than provide to prisons agreed performances for work of prisoners.

Convicted persons can be employed **without a previous written approval from the convicted person :**

- with the prison, the Czech Republic, regional authority, municipality, voluntary association of municipalities or with an entity, which was established or founded by them and they have proprietary participation, majority share in voting rights or controlling power on its control or operation.

**The prisoner can be employed at other entity only with his approval.** In case when the convicted person refuses to work for an entity, where the obligation to work is subject to his approval, or he withdraws his approval, it is not considered as a refusal to work in the sense of above mentioned.

A convicted person in service of a term of imprisonment is allocated to work on the basis of decision of director of prison, be specific on the basis of recommendation from professional employees, e.g. a psychologist, a special pedagogues or a social worker. The main consideration in assigning prisoners to work is fulfilling the purpose of punishment. **Type of work must correspond in particular with health capability of the convicted person, further his professional knowledge and skills is considered.** Pursuant to Section 31 of the Act on Performance of Imprisonment it is prohibited to assign convicted persons to work with explosive material. In case when a convicted person is in contact with toxic and psychotropic substances and poisons and other substances, which could cause increased health detriment or damage on property during work, it is necessary to ensure increased control of health and safety. Prohibition on some works for convicted women and the youth is regulated by the Labour Code and the Decree N. 288/2003 Coll., which determines works and workplaces, which are prohibited to pregnant women, breast-feeding mothers, mothers up to ninth month after delivery and youth and the conditions, under which the youth can exceptionally perform these works by reason of vocational training. **The issue of performance of work in prison or outside the premises of prison is irrelevant from the view of the obligation of a prisoner to work. Important is only the subject for which the work is performed.**

In addition to others it results from the above mentioned that employment of a prisoner does not constitute an employment relationship based on an employment contract in the sense of the Labour Code. Nevertheless some provisions of the Labour Code are applicable, in particular provisions on working conditions, working hours and conditions for ordering overtime work (in framework of these provisions the director of prison can order to convicted persons to work overtime - Article 32, paragraph 1 of the Act on Performance of Imprisonment). Convicted persons work under supervision of employees of the Prison Service (Section 32, paragraph 4 of the Act on Performance of Imprisonment). Government Decree N. 365/1999 Coll. regulates provision of remuneration to convicted persons employed in service of a term of imprisonment (comparison with Section 33, paragraph 1 of the Act on Performance of Imprisonment). The convicted person is usually obliged to cover costs of service of a term of imprisonment from the work remuneration. As concerns a minimum amount of remuneration, the provisions of employment regulations on minimum wage are not

applied. Basically the amount of basic component of remuneration for work is assessed as follows:

- 4,500 CZK in case of work, for which performance professional qualification is not required;
- 6,750 CZK in case of work, for which performance apprenticed persons or persons with other professional qualifications are required;
- 9,000 CZK in case of a separate performance of especially demanding and specialized work which usually require higher level of education than completed secondary special education (comparison with Section 2, paragraph 1 and 2 of Government Decree N. 365/1999 Coll.).

This model is fully in compliance with jurisdiction of the Constitutional Court, according to which the principle of proportionality is applied to remuneration of convicted persons in service of a term of imprisonment, not the principle of equivalence, which is applied for remuneration of employees in employment relationships.

The Committee requested the information on privacy at work to determine how far human freedom and dignity are protected by legislation and the courts against intrusions into personal or private life that may be associated with or result from the employment relationship

**The Charter of Fundamental Rights and Freedoms** (the “Charter”) quotes in its Article 10 that every human has the right to maintain his human dignity, personal honour, good reputation and protection of his name. Every human has the right to be protected against unjustified intervention with his private and family life. Every human has the right to protection against unjustified collection, publication or another manner of misuse of his/her personal data.

The Charter embodies in the Czech legal system the rules and principles which are also contained in international conventions, which were ratified by the Czech Republic (e.g. The International Covenant on Civil and Political Rights, The European Convention for the Protection of Human Rights and Fundamental Freedoms and other international treaties on human rights).

The right to privacy and protection of personality is further specified in the Civil Code. It stipulates that interference with personal rights of a person is subject to an approval from the given person. The only exception are interventions from the side of the public authority bodies, which are in compliance with law (it requires official licence), and use of some personal property as they are portraits, visual pictures and visual or sound record and personal papers for the reporting, scientific and artistic purposes (the so-called reporting, artistic and scientific licence). This kind of use cannot be in violation of legal interest of the given person.

Personal data protection (and also protection of privacy) is regulated by **Act N. 101/2000 Coll., on Personal Data Protection**, which lays down in Section 10 the obligation to an administrator or processor to protect rights of a person to whom the rights belong in order to protect him against any detriment on his rights, in particular the right to dignity and to protect them against unjustified intervention with his private and personal life.

**The Labour Code**, which was adopted in the year 2006, newly contains in Section 316 a regulation, according to which employees cannot use for their own needs production and

working means of the employer without employer's approval, including computing technique and its telecommunication facility. The employer is authorized to control observance of this act in adequate manner.

**Simultaneously the employer cannot without a serious reason** consisting in a special nature of operations of the employer **to interfere with privacy on an employee on workplaces and in common areas of the employer** with exposing the employees to open or hidden monitoring, eavesdropping and recording his telephonic calls, controlling electronic messages or letters addressed to an employee. In case of introduction of control mechanism at the employer by reason of a special character of employer's activities, **the employer is obliged to directly inform an employee** about the scope of control and the manner of its performance. Until now no act has been specified the special character of activities.

Therefore, the Labour Code does not consider privacy on workplace as completely untouchable, but on the contrary it admits some exceptions and also certain securities against misuse of these exceptions.

**The employer can monitor in adequate manner for example:**

- electronic messages of employees, e.g. number of sent and received e-mails of an employee and also target/source addresses, however the employer is not authorized to read their content (this is protected by mail secret, embodied in Article 13 of the Charter. Breach of mail secret represents a criminal act pursuant to Section 239 of the Criminal Code);
- telephone calls from service telephone (however the employer must not hear the telephone calls);
- use of a service vehicle.

The basic instrument of judicial protection of the right to privacy is a civil action for the protection of personal rights, in which an affected person can seek to refrain from unjustified interventions with his rights, to remove consequences of these interventions and to receive adequate satisfaction including possible monetary compensation of immaterial detriment.

In addition to that the Office for the Personal Data Protection acts as an independent administrative authority for protection of privacy. It performs supervision over satisfaction of obligations at personal data processing, receives stimulus and complaints of breach of obligations at personal data processing, deals with offences and other administrative delinquencies, imposes penalties and provides counselling in the area of personal data protection.

The legal order also provides criminal protection of privacy. The new Criminal Code defines criminal acts of unjustified treatment with personal data (Section 180), breach of rights of another person (Section 180), breach of secret of delivered messages (Section 182), breach of mail secret and other documents maintained in privacy (Section 183) and criminal libel (Section 184). A new criminal offence is dangerous stalking, which also means interference with privacy of persons (Section 354). The fact that a criminal offence was committed to the detriment of a person with physical or mental disability is included in framework of a new formulated general aggravation circumstance.

The Committee requested the information as to whether a legislation against terrorism exists and whether it precludes persons from taking up certain jobs

From view of possible disability to accept certain work offers, the legal system of the Czech Republic enables to use certain limitations, which are specified in Section 8, paragraph 1 of Act N. 69/2006 Coll., on application of international sanctions, in connection with fight against terrorism and associated measures against propagation of weapons of mass destruction, their carriers and double-use technologies. It concerns in particular limitation of participation in scientific and technical research, programmes and projects associated with the above mentioned. **No internal regulation having this content has been adopted yet on the basis of this legal authorization.**

**Directly applicable EU legal regulations are to be applied directly in the mentioned area** (provision on sanction), which restrict access to activities, during which such persons could get special knowledge or skills, against specific circuit of persons, defined by relation to relevant “risk” state (Iran, North Korea). These measures are based on relevant resolutions of the UN Security Council and they are to be applied on the entire territory of EU.

In addition to these specific measures **no other limitations** with respect to accepting work offers result from the valid legal regulations regulating the area of international sanctions.

The Committee requested that the report confirm whether the number of persons placed by the employment services pertains to the public employment services

The Czech Republic confirms that the numbers given indicated the number of persons placed by public employment services.

The Committee requested that the report specify the placement rate, i.e. placements made by the public employment services as a percentage of the total number of notified vacancies. It also requested that the report include data on the average period of time required to fill a vacancy.

In total jobs to 97,285 persons were intermediated through the employment services in 2007. This number fell to 84,710 persons in 2008, 70,257 persons in 2009 and it slightly grew to 75,853 persons in 2010.

In total 141,066 vacancies were reported until the end of 2007. The total number of reported vacancies was 91,189 up to the end of 2008. This number significantly fell to 30,927 in 2009 and it remained on the level of 30,803 reported vacancies in 2010.

Job seekers placed to work by the Labour Office for year	2007	2008	2009	2010
	97 285	84 710	70 257	75 853

Vacancies reported to the Labour Office up to December 31	2007	2008	2009	2010
	141 066	91 189	30 927	30 803

Share of job seekers placed to work by Labour offices out of totally placed job seekers in the year	2007	2008	2009	2010
	21.6	18.8	15.6	16.8

**Summary of placement of job seekers to work by Labour Offices**  
**Monthly average**

	In total job seekers placed to work	From it: job seekers placed to work by the Labour Office	Vacancies reported to the Labour Office	Proportional share of job seekers placed to work by Labour Office to vacancies (%)
2007	34 308	8 107	121 993	6.6
2008	30 198	7 059	141 776	5.0
2009	33 494	5 937	48 554	12.2
2010	40 192	6 321	33 147	19.1

The Committee requested that the report include information on the total staffing of public employment centres and their qualifications.

The number of staff is being provided below. Concerning the qualifications, 6 % of the employees have university education, 93 % have secondary education and 1 % has primary education.

Year	Employees		
	Number of employees at the Labour Office – counselling and mediation of jobs	<b>Total number of employees at the Labour Office</b>	Share of employees – counselling and mediation of jobs
2006	2468	<b>8102</b>	0.304616144
2007	2516	<b>8308</b>	0.302840636
2008	2415	<b>8017</b>	0.301234876
2009	2590	<b>8310</b>	0.311672684
2010	2584	<b>8161</b>	0.316627864



### *Article 1, paragraph 3*

*"With a view to ensuring the effective exercise of the right to work, the Contracting Parties undertake: to establish or maintain free employment services for all workers;"*

**No changes took place in the area of public employment services in the period of 2007 – 2010.**

As concerns - employment agencies, in the monitored period in total 1,512 permits for mediation of employment were granted to private employment agencies. Interest in provision of this specific type of personal services has been growing. Share of employment agencies in placement has been growing, in particular as concerns short-term employment, temporary work assistance, i.e. employment for a definite term.

Table of development of the number of work agencies in 2007 – 2010:

Year	Number of work agencies having valid permit
2007	1811
2008	2228
2009	2202
2010	1709

Note: provided data are always stated up to December 31 of the given year.

Owing to problems, which were reported for the area of agency-based employment of foreign nationals (in particular in the year 2008, when the number of incoming foreign nationals from third countries was rapidly growing, and also personal agencies), in particular growing number of reports on criminal practices of these agencies, the state adopted several **measures, by means of which it regulated more strictly the area of agency-based employment and it made sanctions for some failures more strict.**

**Granting a permit** (by the Ministry of Labour) to mediate employment to a legal entity or natural person is newly conditioned by an approval from the Ministry of Interior with issuance of this permit.

Act N. 382/2008 Coll. enabled to the Ministry of Labour and Social Affairs to withdraw permit for employment mediation in case of repeated breach of the reporting obligation pursuant to Section 59 of the Employment Act (statistic data on number of vacancies and persons placed to work or temporary allocated to work. In case of first breach of this obligation, a sanction up to the amount of 500,000 CZK can be imposed) or the obligation concerning work adapted by Section 308 and 309 of the Labour Code against temporary allocated workers. These provisions regulate the obligation of the employment agency to enter into an agreement on temporary allocation of an employee of the work agency with a user and it determines obligatory content of this agreement. It further lays down the obligation of the agency to agree in this form on employment (temporary allocation of an employee to a user) on the basis of an employment contract or an agreement to perform work. Allocation of an employee of the work agency for temporary performance of work at a user can be realized only on the basis of a written instruction, which must contain particularities given by law.

Act N. 382/2008 Coll. **adopted more strict sanction against enabling illegal work, be specific changed sanction from two million to five million Czech crowns.**

The Labour Code also regulates **joint responsibility of the employment agency and a user enterprise that work and wage conditions of a temporary allocated worker are not worse than the work and wage conditions of a comparable employee of a user.** This provision is not only for the sake of temporary allocated workers, but also for the sake of protection of permanent employees of a user, so that they cannot be replaced by worse-paid and insufficiently protected labour forces.

Government Decree N. 64/2009 Coll., **on determination of type of work, which the employment agency cannot mediate in form of temporary allocation for performance of work at a user,** was passed. It came into force on March 27, 2009. Employment agency could not mediate work for foreign nationals in form of temporary allocation for performance of work at a user enterprise for such types of work, for which performance a lower level of education than a secondary education with graduation examination is required, and works, which are stated in Annex to this Decree.

#### **Information on inspections performed by the Labour Offices:**

For the period of January – November 2008 in total 498 inspections were performed at employment agencies and 110 fines in the total amount of 5,886,400 CZK were imposed.

674 inspections were performed during 2009 and 153 fines were imposed in the total number of 22,330,881 CZK.

For the period of January – August 2010 in total 358 inspections were performed at employment agencies and 156 fines were imposed in the total amount of 6,085,500 CZK.

Fines were imposed mainly for committing an administrative delict of performance of illegal undeclared work.

In total **19,341 foreign nationals** having valid work permit stayed in the Czech Republic as of December 1, 2008. They were employed by employment agencies; by the end of 2009 it was only **3,196** foreign nationals. This trend has continued and lead to reduction of workers employed by employment agencies. This number fell to **approx 2.5 thousand persons** by the end of 2010. **Relevant statistic data do not monitor representation of men and women.**

**ARTICLE 15: THE RIGHT OF PHYSICALLY OR MENTALLY DISABLED PERSONS TO  
VOCATIONAL TRAINING, REHABILITATION AND SOCIAL RESETTLEMENT**

*Article 15, paragraph 2*

*"With a view to ensuring the effective exercise of the right of the physically or mentally disabled to vocational training, rehabilitation and resettlement, the Contracting Parties undertake: to take adequate measures for the placing of disabled persons in employment, such as specialised placing services, facilities for sheltered employment and measures to encourage employers to admit disabled persons to employment."*

**Legal frame:**

**The Czech Republic ratified the Convention on the Rights of Persons with Disabilities in September 28, 2009. It came into force on October 28, 2009.**

-

**The Act on Social Services (N. 108/2006 Coll.) came into force on January 1, 2007.**

The Act laid down fundamental and definite competences and rights of social services beneficiaries, for whom new social benefit was established – care allowance.

Due to significant change in legislation several amendments were adopted, which directly applied to transformation and de-institutionalization of social care. It concerns in particular introduction of the following basic principles:

- a) gratuitous social counselling is guaranteed to every human;
- b) extent and form of assistance and support provided through social services must preserve human dignity of persons;
- c) assistance must be based on individually determined needs of persons, it must have active impact on persons, support development of their independence, motivate them to such activities, which do not support long-term staying and deepening of unfavourable social situation and reinforce their social inclusion;
- d) social services must be provided for the benefit of persons and in adequate quality in such manner, so that observance of human rights and fundamental freedoms of these persons is always secured.

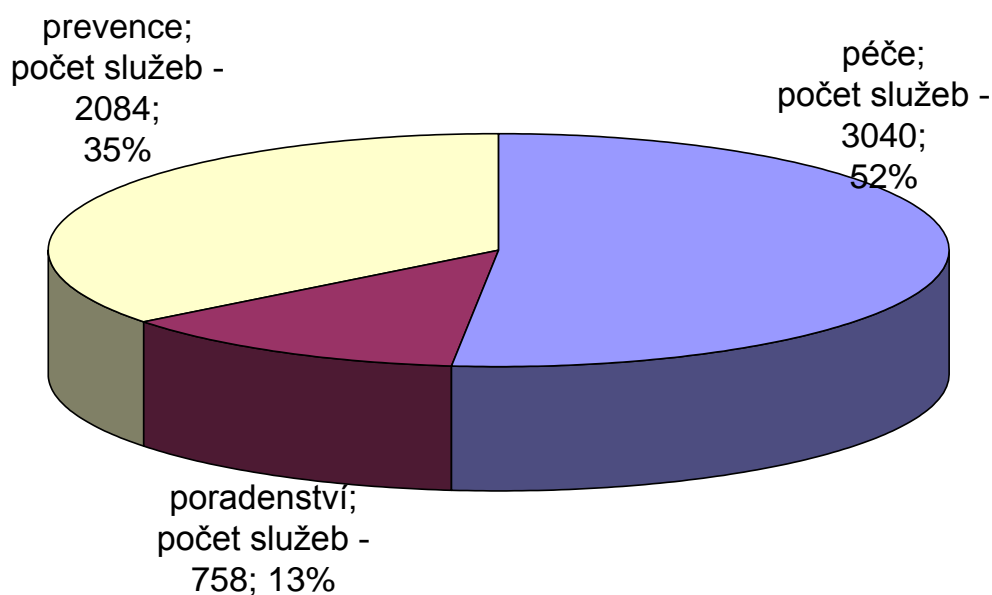
Simultaneously the newly introduced social services system:

- a) introduced mechanism which should enable to social services to react on needs of users or persons interested in these services;
- b) offers various types of social services, which person can freely choose according to his/her own consideration, financial possibilities or other individual preferences;
- c) creates room for co-participation in the decision-making processes with respect to scope, areas and availability of social services in their municipality or region;
- d) a social benefit – care allowance is provided to people who depend on assistance of another person by reason of age or health condition;
- e) guarantees that the provided services will be safe, professional and adapted to their individual needs.

Social services are divided into three basic areas:

- **Social counselling**, which is usually specialized for a certain target group or situation with it that basic counselling is an inseparable component of all provided social services.
- **Services of social care** include services, of which main aim is to ensure basic living needs, which cannot be ensured without care and assistance of another person. Simultaneously they are aimed to enable to people maximal inclusion into usual social life and in cases, when it is not possible with regard to their physical and mental condition, to ensure dignified environment and treatment.
- **Services of social prevention** serve in particular as prevention to social exclusion of persons, who are endangered by socially negative effects.

Graf - počet sociálních služeb dle jednotlivých skupin vedených v registru poskytovatelů služeb



Source: Selected statistical data on financing social services and contribution for care, the Ministry of Labour and Social Affairs, 2010

Graph – number of social services by individual groups recorded in the records of service providers

Prevention – number of services - 2084; 35 %

Care – number of services - 3040; 52 %

Counselling – number of services - 758; 13 %

The important principle of the social services system is the option to combine different types of services and to combine services with the assistance and help from the side of family and other close persons.

Care allowance is granted to persons, who are by reason of age or health condition (health status) dependant on assistance of another person. This allowance is intended to enhance competences of persons dependent on assistance from another person and carrying facility, so that each person can individually select the most purposeful way of ensuring needs. The allowance is provided in order to ensure necessary care both informally (e.g. by a family member) or formally (e.g. by a registered service provider).

The care allowance has been provided at four amounts according to the level of dependency of a person on assistance of another physical person, which is provided on the basis of a medical assessment and social examination. According to assessment of the degree of dependency the amount of financial support is determined. This support is further differentiated for persons under the age of 18 years and persons above the age of 18 years.

**The allowance for persons above age of 18 years for the period of 2007 – 2010 amounted to:**

- 2,000 CZK in case of degree I (light dependency);
- 4,000 CZK in case of degree II (medium serious dependency);
- 8,000 CZK in case of degree III (serious dependency);
- 11,000 CZK in case of degree IV (complete dependency).

In case of persons under 18 years of age the amount is increased by 1,000 CZK at every stage.

Approx 252 thousand of these benefits are being paid every month with it that the volume of financial means paid by care allowance amounted to 19,000,489,000 CZK in 2010.

**Social services have been provided approximately to 700,000 clients**, i.e. approx 7 % of population in the Czech Republic.

The system for ensuring network of services corresponding with needs of citizens is based on planning social services, which comes from evaluation of needs of citizens, capacity possibilities of providers and aims of the public administration. Social services planning is the obligation of regional administration.

Social services are financed from more sources. The total expenditures for the social services system amounted to approx 26 mld CZK in the year 2009, i.e. approx 0.72 % of GDP. Beneficiaries of social services participate in total expenditures with 35 %, regional and local administration with 25 %, the state budget with 30 % and public health insurance funds with 3 % (usually in case of synchronism of health and social care in homes for seniors, homes for disabled persons and homes with a special mode).

Share of individual sources of financing differs by groups of social services. State subsidy is the basic source of financing in particular in case of social counselling service, where this subsidy represents more than 56 % share of all sources of financing. As concerns social care services, payments from users of these services represent the most important financial source.

**Sources of social services financing - by groups of social services**

Sources of Financing	In total CZK	In total in %	Social care services	Social prevention services	Social counselling services
Grants from the Ministry of Labour and Social Affairs 2010	6 657 714 000	29.27 %	27.50 %	43.49 %	56.03 %
Contributions from Labour Offices	78 026 989	0.34 %	0.25 %	1.26 %	1.11 %
Grants from Municipalities	589 966 448	2.59 %	1.90 %	9.37 %	8.86 %
Contribution from Incorporator – Municipality	1 647 673 022	7.24 %	7.77 %	1.70 %	3.95 %

Contribution from Incorporator – Region	1 019 892 383	4.48 %	4.7 1%	1.47 %	5.51 %
Payments from Users	10 192 162 329	44.81 %	49.13 %	4.27 %	0.67 %
Health Insurance Companies Funds	1 023 975 222	4.50 %	4.95 %	0.26 %	0.14 %
State Administration Departments in total	156 635 999	0.69 %	0.06 %	7.35 %	4.41 %
Grants from Regions	407 849 291	1.79 %	0.93 %	10.53 %	8.31 %
Structural Funds	112 772 843	0.50 %	0.09 %	4.73 %	2.82 %
Other Resources	860 652 008	3.78 %	2.71 %	15.57 %	8.18 %
<b>In total</b>	<b>22 747 320 534</b>	<b>100 %</b>	<b>100 %</b>	<b>100 %</b>	<b>100 %</b>

Source: selected statistic data on financing social services and contribution for care, the Ministry of Labour and Social Affairs, 2010

The following table gives breakdown of grants to individual social services:

Type of social service	Amount of provided grant 2011
Asylum Houses	1 171 000
Daily Services Centres	41 813 000
Day Care Centres	202 452 000
Homes for Disabled Persons	1 289 884 000
Homes for Seniors	7 743 000
Homes with a Special Mode	67 778 000
Sheltered housing	130 627 000
Emergency Help	300 000
Professional Social Counselling	52 936 000
Relief Services	44 998 000
Personal Assistance	108 729 000
Care Service	10 145 000
Support to Separate Living	1 679 000
Guide's and Reading-aloud Services	4 685 000
Early Care	17 829 000
Socially-activating Services for Families with Children	1 154 000
Socially-activating Services for Seniors and Disabled Persons	38 083 000
Socially-therapeutic Workshops	12 170 000
Social Rehabilitation	37 762 000
Social Services Provided in Institutional Care Health Facilities	11 690 000
Terrain Programmes	227 000
Distress Care	284 000
Interpreter's Services	12 569 000
Week Care Centres	71 242 000
<b>In total</b>	<b>2 167 950 000</b>

The process of transformation and de-institutionalization of social services has been currently implemented with close cooperation with region and selected social services providers.

The transformation process in 2009 – 2013 is supported in particular by means of the individual project of the Ministry of Labour and Social Affairs “Support to transformation of social services”, covered by financial means from the European Social Fund through the priority axis 4.3 “Social Integration and Equal Opportunities” of the Operational Programme for Human Resources and Employment. The financial support allocated for the project amounts to 136,250,000 CZK in total.

The general objective of the project is based on detailed analysis of the current situation in the area of social care with the aim to support transformation of these services, to process *development plans* coming from the problems of the transformation process, to increase knowledge about the institutional care transformation process for disabled persons, to create a system of vertical and horizontal cooperation between all entities involved in the institutional care transformation process, to support process of improving living conditions of users in the existing social care facilities and to support human rights of users in the social services facilities and their right to dignified life comparable with people of the same age living in natural environment.

Outputs from the project are leading up pilot commencement of the transformation process in selected most risky facilities in all regions (except the capital city of Prague) under condition of cooperation with all entities concerned and fulfilment of principles of transparent transformation process.

Participants in the project from selected facilities and regions (management in these facilities, workers in regions, social workers and workers engaged in direct care) have undergone educational programmes. These programmes were focused in particular on the management of changes within organization, assessment of users and managing the methods of care according to individual needs of users.

Continuous professional methodical support has been already ensured for service providers and the system of exchange of good practice has been created. Simultaneously supervision was provided to them on the basis of a tender. Methodologies processed in framework of the project as well as educational programme modules and selected seminars are available to all providers and incorporators of social services in the Czech Republic.

### **Social Rehabilitation**

The Act on Social Services, which regulates **social rehabilitation** as one of types of social services, lays down basic activities, which must be ensured by provider of social rehabilitation and content of which in form of individual operations is laid down in its implementing regulation. Basic activities of social rehabilitation include:

- training of skills to be able to self-care,
- training of self-sufficiency and other activities leading up social inclusion,
- provision of a contact with social environment,
- educational and activation activities,
- assistance in exercise of rights, justified interests and dealing with personal matters,
- basic social counselling,
- lodging, food and personal hygiene are also provided in the centres of social rehabilitation services.

Social rehabilitation is funded mainly **from grants of the Ministry of Labour and Social Affairs and regions provided to non-governmental entities**. Grants for the year 2010 amounted to 123,445,600 CZK. Provision of basic activities of social rehabilitation is **gratuitous** for a user. The user will cover only expenditures associated with his stay, i.e. costs of lodging, food and assistance in personal hygiene.

Significant development of social rehabilitation has taken place in the Czech Republic during the last ten years. In particular non-governmental non-profit organizations have contributed to it, predominantly associations of disabled persons, some health facilities (professional medical institutes), foundations etc. They have started to operate centres, where disabled persons can practice basic skills in the area of self-service, self-sufficiency, training of orientation etc.

Total **number of registered providers of social rehabilitation** was 361 with the capacity approx 30,000 places, be specific in all forms of care provision – terrain, stay and ambulatory up to July 1, 2011.

### **Vocational Rehabilitation**

**Vocational rehabilitation** represents an instrument of the active employment policy (and it is embodied in the Act on Employment) serving for improving opportunities of disabled persons in the labour market and it represents a part of the complex of activities and measures in order to ensure their full integration. **The principle of voluntariness is applied with respect to access of disabled persons to the process of vocational rehabilitation.**

The Labour Office provides **vocational rehabilitation** to a disabled person on the basis of filed application. **Vocational** rehabilitation did not require the applicant to be kept in job seekers registry at the Labour Office. Every disabled person, who did not receive sickness benefits, old-age pension and wage (salary) or wage compensation (salary compensation), was entitled on the basis of decision of the Labour Office to **unemployment benefit** during the period of - **vocational** training and performance of specialized retraining courses.

**An Individual Vocational Rehabilitation Plan** is established in cooperation with an applicant, who lodged an application for **vocational** rehabilitation. Basically it represents a schedule for fulfilment of an agreed process leading to future employment. The Labour Offices establish **professional work groups** (according to Section 7, paragraph 3 of the Act on Employment). The professional work groups evaluate and suggest adequate forms of **vocational** rehabilitation on the basis of documented health status of an applicant, preserved abilities to work and recommendation from ergo-diagnostic examination etc. It submits a draft individual plan for **vocational** rehabilitation, processed by a responsible worker – consultant for **vocational** rehabilitation. The professional work group is composed of wide range of professions. Members of the professional work group are medical doctors, representatives of social agencies, representatives of non-profit organizations dealing with the problems of disabled persons and representatives of employers employing disabled persons.

The Labour Office is obliged to fully fund forms of vocational rehabilitation in individual plan, which is recommended by a professional group for approval. It is covered from financial means on the active employment policy or from financial resources of relevant measures in the Operational Programme for Human Resources and Employment. **Expenditures of Labour Offices for provision of social rehabilitation** to disabled persons amounted to 3,594,000 CZK in 2010.



**Individual forms of vocational rehabilitation** are implemented in order to support access or return of disabled persons to work:

- counselling activity (balance diagnostics, work diagnostics, ergo-diagnostics, counselling in selection of a job, counselling in selection and change of employment, counselling in selection of retraining, counselling in selection of preparation for work, counselling in selection of adequate active employment policy instruments),
- preparation for future job (access to continuous preparation for future job – return to the educational system),
- preparation for work (preparation of a disabled person for work on workplace of an employer, preparation for work in sheltered workshops and in sheltered jobs of a legal entity or natural person or in educational facilities),
- specialized retraining courses (professional retraining, extension of qualification, preparation to start up in business),
- employment mediation (counselling in mediation of adequate employment, counselling in another gainful activity, placement by an agency),
- preservation and change of employment, change of occupation (activization and motivation programmes),
- creation of suitable condition for performance of employment (assisted employment, contribution to an employer for creation of sheltered job for a disabled person),
- creation of suitable conditions for performance of another gainful activity (contribution to a disabled person for establishment of socially beneficial jobs for the purpose of exercise of self-employed gainful activity).

### **Programmes, Projects**

In 2010 The Ministry of Industry and Trade in cooperation with the Association of Employers of Disabled Persons CR and the Government Committee for Persons with Disabilities issued the “**Rules for remuneration of entrepreneurial activities of disabled persons and entities which significantly contribute to employment of disabled persons**”, on the basis of which tender was repeatedly announced and winning entities were awarded.

In framework of **education** counselling services were provided to students with physical or mental disability including also career counselling focused on orientation in the labour market and options of further education and application in the labour market or in sheltered jobs.

**ESF Operational Programme for Human Resources and Employment is being focused on disabled persons.** This group of persons represents a direct target group or a sub-group of the target group with emphasis given on increased care for this target group at mediation of employment etc. Motivation courses, vocational diagnostics, professional education, retraining courses, jobs on probation, placement and newly established jobs belong between the main activities contained in these projects. Counselling and other associated services are frequent. They are provided in order to facilitate access of disabled persons to the labour market. It concerns projects being submitted in particular by non-governmental non-profit organizations.

Both the projects of regional character in the territory of one region and the multi-regional projects focused on more regions or the entire territory of the Czech Republic are implemented. Furthermore, disabled persons represent a target group of the global grant to support social economy. This appeal supports entrepreneurial activities, of which fundamental part is focused on support to selected target groups, be specific not only in form of their employment, but also further inclusion in framework of an enterprise or outside of it.

It concerns the area of intervention 3.1 “Services in the area of social integration” representing investment support to providers of social services, employers and other entities at asserting and implementing **the social economy instruments**. It concerns support to innovative entrepreneurial activities, which could enable to socially excluded persons and persons exposed to danger to social exclusion access to the labour market and to the entrepreneurial environment. Disabled persons are one of target groups of this activity. It is an initiatory pilot support to the social economy instruments and adjustment of a suitable model of support to social business in the Czech Republic. In order to successfully start-up of this model it is necessary to ensure starting equipment in new social enterprises (necessary equipment, machines etc.) and simultaneously to ensure time-limited payment of wage and other operational costs. Thus it would enable interlinkage of this activity with support in framework of the area of intervention 3.3 “Integration of socially excluded groups in the labour market”. As to the projects of activity, 10 % of incurred expenditures for individual projects is covered from private sources of a beneficiary, remaining part of financial means is covered from 85 % from the European Regional Development Fund and 15 % from the state budget. Total allocated amount for activity 3.1 is 11 million EUR for the programming period 2007 – 2013.

Owing to full coverage of accessible standardized services the system project under the title “Regional networks of cooperation in **vocational** rehabilitation” (in short “PREGNET”) was submitted for implementation. The purpose of the PREGNET project is creation of a system of regional networks of cooperation in the area of **vocational** rehabilitation and creation of corresponding conditions for their development. The aim of the PREGNET project is to fundamentally change the system of assessment of health status of disabled persons by medical assessment service and the Labour Office and to support development of **vocational** rehabilitation, which represents a complex instrument of the active employment policy at return of disabled persons to the labour market.

### **Selected Statistical Data**

#### **Fulfilment of obligatory share in employment of disabled persons:**

In 2010 the obligatory share was fulfilled in total for 6.65 %, from it:

- 3.71 % employment of disabled persons through employment contract,
- 2.53 % by purchase of products and services from employers specializing in employment of disabled persons,
- 0.41 % by transfer to the state budget.

**Statistical data on  
unemployment of disabled  
persons**

<b>STATE UP TO DECEMBER 31</b>	2007	2008	2009	2010
Job seekers	354 878	352 250	539 136	561 551
Persons with disability	65 216	61 136	67 738	69 499
Share of disabled Persons	18.4	17.4	12.6	12.4
Registered unemployment rate	6	6	9.2	9.6
Specific unemployment rate of persons with disabilities	37.1	33.9	38.5	37.3
Vacancies suitable for persons with disability	4568	3290	1771	1934
Number of disabled persons / 1 vacancy	14.3	18.6	38.2	35.9

**In its Conclusions on the previous report on Article 15 paragraph 2, the Committee for Social Rights requested answers to the following questions:**

The Committee has requested that the report make clear whether the “health status” mentioned in Section 4 of the Employment Act covered disability. The Committee asked for the next report to clarify whether factors other than medical ones are taken into account in this regard.

Yes, the term covers health status in general, including disability. For example, in a survey mentioned above, the Ombudsman has indicated, that if a job offer requires “excellent/good health status” and the requirement is not necessary for the job offered, it is discrimination based on health status.

The Committee has requested that the report inform, whether Anti-discrimination Act includes a definition of the expression “disabled” and whether this definition incorporates not only medical conditions but also educational, psychological, and other socio-economic factors as done by the definition endorsed by the WHO International Classification of Functioning, Disability and Health – ICF 2001.

**Definition of the term “physical or mental disability”**

The Anti-Discrimination Act in Section 5, paragraph 6 lays down:

*“For purposes of this Act as physical or mental disability shall be deemed physical, sensual, mental, physic or another disability, which obstruct or can obstruct the right of persons for equal treatment in areas defined by this act; concurrently it must concern long-term physical or mental disability, which lasts or with view of knowledge of medical science it will last at least one year”.*

This definition reflects the approach chosen in case of the Convention of the United Nations Organization on the rights of Persons with Disabilities led and also the ICF 2001 and it is consistently based on the social model of physical or mental disability.

**Procedure for assessment of stage of physical or mental disability for purposes of social services** is in Act N. 108/2006 Coll., on social services (in force since January 1, 2007), and in Decree N. 505/2006 Coll., implementing some provisions of the Act on Social Services, as amended (in force since January 1, 2007).

Degree of dependency is evaluated for purposes of **the Act on Social Services**.

In the respective period the degree of dependency was expressed at four levels I – IV (I light, II medium serious, III serious, IV complete dependency), scope of assistance or supervision of another person in performance of self-care or operations of self-sufficiency, be specific according to number of not-managed operations – i.e. operations which require assistance or supervision of another person.

The number of necessary operations, during performance of which an individual needs assistance or supervision of another person, required in order to admit some stage of dependency, differs for persons under the age of 18 years (when significantly lower scope of assistance or supervision is adequate) and for persons older than 18 years.

Simultaneously the following have been evaluated:

- health status and scope of functional qualities of an individual -,
- ability of unsupported life in natural social environment,
- need of assistance or supervision of another person,
- the ability to manage 18 operations of self-care (e.g. eating, hygiene, WC, clothing, standing, sitting, walking, moving objects, orientation, medical mode, treatment etc.),
- ability to manage 18 operations of self-sufficiency (communication, handling with money, care of household, cooking, service of common appliances, handling with laundry, inclusion into social activities, life planning etc).

**The manner of assessment of a stage of disability for the invalidity allowance system** is regulated in Act N. 155/1995 Coll., on Pension Insurance, as amended, which came into force on January 1, 1996, and in particular in Decree N. 359/2009 Coll., which determines percentual rates with respect to aggravation of work ability and appurtenances of an assessment of disability and it regulates assessment of work ability for purposes of disability (the Decree on Assessment of Disability), which came into force on January 1, 2010.

With respect to disability pension insurance disability has been assessed as aggravation of work ability stipulated by law (at least 35 % - first degree of disability, 50 - 69 % - second degree, 70 % or more - third degree).

The following was subject to assessment:

- health status and scope of functional abilities of an insured person,
- scope and status of work ability of an insured person,
- qualification – education, knowledge, experiences, previous gainful activity,
- adaptation to physical or mental disability,
- ability to participate in retraining,
- ability to avail of preserved work ability or ability to work under completely exceptional conditions, respectively.

As regards the area of employment relationships, **the Labour Code does not define the term “disability” nor “physical or mental disability”**. The Labour Code apprehends the issue of effects of health status of an employee from view of his ability to perform work, which is agreed in the employment contract as a type of work.

Pursuant to Section 67 of the **Employment Act** as persons with physical or mental disability shall be natural persons, who

- a) were assessed as disabled at third degree by the social security authority;
- b) were assessed disabled at first or second degree by the social security authority;
- c) were acknowledged as persons with health disadvantage by a decision made by the Labour Office. As such shall be deemed an individual -, whose ability to perform constant employment or another gainful activity is maintained, but his qualities to be or remain in employment, perform actual occupation or use actual qualification or gain qualification are substantially limited by reason of his long-term unfavourable health status (i.e. a condition which after consideration of knowledge of medical science will last longer than one year and it substantially limits mental, physical or sensual abilities and thereby the ability of employment).

For purposes of the Act on Education (Act N. 561/2004 Coll. on pre-school, primary, secondary, special secondary and another education) as physical or mental disability shall be deemed mental, physical, visual or auditory defects, defects of speech, parallel disability by more defects, autism and developmental defects of learning or behaviour (Section 16, paragraph 2). As health-disadvantage shall be deemed health attenuation, long-term illness or lighter health defects causing defects of learning and behaviour, which must be taken into account in education (Section 16, paragraph 3).

The Committee has requested the next report to specify whether the obligation of the adjustment of working conditions (reasonable accommodation) and of conferring an effective remedy on those who are found to have been unlawfully discriminated were contained in the final draft of the Anti-discrimination Act and whether this has been adopted

The Anti-Discrimination Act stipulates that as indirect discrimination by reason of physical or mental disability shall be deemed refusal or failure to adopt adequate measures in order to enable to a disabled person access to a certain job, use of employment counselling or participation in another professional education or use of public services unless such measure represents inadequate burden.

When deciding whether a particular measure represents inadequate burden, in particular a level of benefit to a physically or mentally disabled person from implementation of given measure, financial acceptability of such measure for a natural person or a legal entity, which is to implement it, financial availability and other assistances in order to implement such measure and ability of supplementary measures to satisfy needs of a disabled person are considered. As inadequate burden shall be deemed a measure, which has to be adopted by a natural person or a legal entity according to a special regulation.

The Labour Code lays down in general the obligation of an employer to employ disabled persons and create conditions for their employment. Section 48, paragraph 5 determines the obligation of an employer to report termination of employment relationship with a disabled person at relevant Labour Office and pursuant to provisions in Section 103, paragraph 5 the employer is obliged to ensure for its employee, who is a disabled person, technical and organizational measures, in particular necessary adjustment of work conditions and workplaces, establishment of sheltered jobs and sheltered workshops, training or learning of such employees and extension of their qualification in performance of their regular job.

The Committee has referred to its previous conclusions (Conclusions XVII-2 and XVIII-2) for a description of the measures to promote employment of persons with disabilities.

The active employment policy instruments included instruments focused to promote employment opportunities of persons with disabilities, i.e. **sheltered jobs and sheltered workshops**. It concerned contribution for establishment of new jobs for physically or mentally disabled persons<sup>1</sup> and contribution for compensation of operational costs of employers employing disabled persons<sup>2</sup>. The employer, who performed work training of disabled persons on his workplace, had been entitled to compensation of expenditures for work training of these persons, covered by the Labour Office. In case of the active employment policy it concerned **non-claimable contributions**, which was provided by Labour Offices on the basis of consideration of a particular situation, be specific in case of sheltered jobs and sheltered workshops total economic situation of an applicant was considered and whether the applicant drew other contributions or grants, estimated number of employed persons with disabilities etc. On the basis of these facts the Labour Offices decided whether to grant contribution or not. Labour Market Survey for the year 2009 performed by the Czech Statistical Authority indicated that 62,900 men with disabilities and 46,200 women with disabilities were employed.

Furthermore, the Labour Offices provided **contribution for wage expenditures of employers, who employed more than 50 % physically or mentally disabled persons from the total number of employees**. Contribution was provided to an employer monthly in the amount of actually expended wage expenditures for disabled employees, including social security insurance and national employment policy contributions and health insurance, which the employer deducted from the assessment base of this employee, but maximally **8,000 CZK per employee**.

In addition to the above mentioned instruments every employer, who employed more than 50 % of disabled persons (from the total number of its employees), was entitled to **contribution for support of disabled persons employment**. This contribution was provided monthly for reimbursement of expended wage expenditures for disabled employees. This contribution was provided for 38,320 persons to 1,988 employers at the fourth quarter of the year 2010. These contributions were provided regardless to form of work (work on workplace, teleworking, homeworking etc.) and in this manner innovative forms of disabled persons employment are supported.

These have character of inclusion of disabled persons in the “sheltered labour market” (they were employed in enterprises specialized in this group of persons or it concerned creation of jobs, which must have been occupied by disabled persons for a certain period).

However, there have been also instruments, which supported inclusion of disabled persons in the “open labour market”. It again concerned financial contributions provided to employers for creation of jobs and contribution for reimbursement of wage expenditures.

Another instrument has been an obligatory share in employment of disabled persons. This obligation was satisfied by 56 % with direct employment of disabled persons in 2010.

Last but not least employers have been motivated to employ disabled persons in the open market in the manner of provision of discounts on income tax. Every employer, who employed a disabled person, had been entitled to tax reduction by 18,000 CZK for every disabled employee (acknowledged first or second degree disability) and every employer, who employed an employee with serious disability (third degree disability), had been entitled to tax reduction by 60,000 CZK per year.

The active employment policy instruments put emphasis on support to employment of persons with serious disability. In case of employment of a person with serious disability the employer receives higher contribution to creation of sheltered jobs and sheltered workshops. The “contribution for support to employment of disabled persons” and the “obligatory share of employment of disabled persons” instruments are associated with average converted number of disabled persons and ensuring 50 % share of these persons in the total number of employees. For these purposes every disabled person with serious disability is counted three times.

In 2011 the schemes for employing persons with disabilities have been substantially reformed through amendment to the Employment Act and by adopting the Act on Social Benefits for Persons with Disabilities (in force since 1 January 2012).

**Programmes for vocational rehabilitation and employment of people with disabilities** under the active employment policy instruments have been **financed** from state budget as well as through Operational Programme for Human Resources and Employment. Total expenditures to support employment of disabled persons were in the amount of 323,661,000 CZK in 2010 (contribution for creation of sheltered jobs, sheltered workshops, contribution for partial compensation of operational costs for sheltered workshops and sheltered jobs, vocational rehabilitation of disabled persons). Contributions for support to employment of disabled persons were paid in the total amount of 2,712,304,000 CZK. Expenditures of the Labour Office for provision of vocational rehabilitation to disabled persons amounted to in total 3,129,000 CZK in 2009 and 3,594,000 CZK in 2010.

Disabled persons compared to other citizens have easier access to the active employment policy instruments. In order to receive contribution in framework of sheltered jobs and sheltered workshops it have not been necessary to keep a disabled persons in job seekers registry at a Labour Office. The disabled persons have the same access to other employment services as other citizens.

As concerns protection of disabled employees against dismissal the employment regulations do not contain any special provisions relating only to this group.

	2007	2008	2009	2010
Number of persons with disability supported in framework of sheltered workshops	788	504	696	927
Number of persons with disability supported in framework of sheltered jobs	499	470	535	713
Number of persons with disability supported with contribution for operation of sheltered jobs and sheltered workshops	8 235	9 349	10 315	10 076

The Committee has asked for the next report to describe the implementation in practice of the Act on social services (N. 108/2006 Coll.), providing the total amount of disabled persons having benefited from the services it establishes and specifying whether such services have had an impact in terms of increased access for persons with disabilities to employment.

It have not been possible to separate the effects of active employment policy programmes (implemented through labour office) and those of the Act on Social Services as they often do support each other. The social services are provided by other organisations than the public employment services, so the Labour Office often is often not aware of whether a person was or is a recipient of other social services.

Volunteer activities are also focused on integration of persons with disability. The Ministry of Interior performs tasks associated with application of the Act on volunteer service. The mentioned Act in Section 2, paragraph 1 a) directly mentions assistance to disabled persons as one of areas, where volunteer service is being performed. The Act applies standards for activities of volunteers working without right to remuneration during their free time and helping and supporting disabled persons. Volunteers offer their assistance at getting over obstacles at work, enabling to disabled persons inclusion into free time activities, facilitating access to education and contributing in their activation and increase of self-sufficiency. Volunteer service is realized in both the home environment of disabled persons and also in residence services. It is organized through non-government non-profit- organizations, which inform disabled persons about offer and opportunities to work as a volunteer.

For further information - see information above on social inclusion of persons with disability.

The Committee has also reiterated all its considerations and questions on sheltered employment (Conclusions XVIII-2) since the previous report did not provide any of the requested information.

See information above.

The Committee requested the Government to include in the report data collected on the basis of Government Decree N. 1575 of 7 December 2005.



**Outcomes of selective survey of disabled persons, performed by the Czech Statistical Office, were published in the year 2007.** This survey (first of such type), brought a lot of important findings, be specific in relation to disabled women.

1. From the total number of 1,015,548 disabled persons **the share of women is slightly higher than the share of men and it achieves 52 %.**
2. Approximately one third of disabled men completed only primary education. Second most numerous group consists of men with secondary education without school leaving examination (30 %). **More than two fifths of women have primary education (45 %) and one fifth (21 %) has completed secondary education with graduation.** 8 % of men and **5 % of disabled women** have completed university education.
3. From view of gender disabled men are often more active than women. **60 % of men and 40 % of women are work-active.**
4. **The most productive age group of disabled persons are people of age 45 – 59 years for both men and women.** Growing age affects fall in economic activity of disabled persons and growth of a group of non-working pensioners, which corresponds with the trend of whole population in the Czech Republic.

### **Basic identification of disabled persons compared to total population in the Czech Republic**

In framework of the project focused on receiving information on disabled persons 2,330 general practitioners and pediatricians were contacted. Only 548 doctors – respondents were willing to participate in investigation, i.e. 23.5 % and 10,645 duly filled questionnaires were received for final processing.

Owing to the fact that entire investigation was performed on the basis of random sample (probable) of general practitioners and pediatricians and social institutes, it was necessary to convert outcomes to total population of the Czech Republic, i.e. re-weighing of collected data. Data from database of the Institute of Health Information and Statistics of the Czech Republic on number of patients registered by individual doctors and number of places in individual social facilities and also information received directly from doctors – participants in this survey were used for calculation of relevant weights.

#### *Basic information on disabled persons*

#### **Breakdown of age of disabled persons in division to gender**

Age Group	Estimate of number of disabled persons in population	Number of citizens as of December 31, 2006 <sup>3</sup>	Share of disabled persons in population
<b>Men</b>			
0–14	27 941	760 065	3.68 %
15–29	34 271	1 114 557	3.07 %
30–44	52 984	1 182 000	4.48 %
45–59	129 465	1 085 745	11.92 %

60-74	152 443	658 010	23.17 %
75+	92 624	225 807	40.02 %
In total	490 452	5 026 184	9.76 %
<b>Women</b>			
0-14	18 267	719 449	2.54 %
15-29	26 350	1 061 115	2.48 %
30-44	48 347	1 130 929	4.27 %
45-59	116 278	1 109 901	10.48 %
60-74	130 831	804 576	16.26 %
75+	184 120	435 035	42.32 %
In total	525 096	5 261 005	9.98 %
<b>In total</b>			
0-14	46 208	1 479 514	3.12 %
15-29	60 621	2 175 672	2.79 %
30-44	101 331	2 312 929	4.38 %
45-59	245 743	2 195 646	11.19 %
60-74	283 274	1 462 586	19.37 %
75+	276 744	660 842	41.88 %
In total	1 015 548*	10 287 189	9.87 %

\* 1,627 persons without specification of age are included in the whole of 1,015,548.

From the total number of 1,015,548 disabled persons share of women is slightly higher than share of men and it achieves 52 %. From view of age it can be claimed that men with physical or mental disability slightly predominate over women at all age categories up to 74 years of age. Above the age of 75 years, when mortality of men is relatively high, predomination of women over men significantly rises and with increasing age it rises rapidly.

### Highest level of education of disabled persons

*Equal access to employment is the fundamental precondition in order to ensure social inclusion and independency of disabled persons. Education should take place in all periods of life from pre-school age up to post-productive period of life. Most educational systems provide access of disabled persons to both the main educational stream and to special programmes, if appropriate.*

### Breakdown of disabled persons by age and gender (disabled persons of age 15 years and more)

Age group	Highest achieved education							in total
	without education	primary	secondary		higher special secondary	university	not stated	
			without graduation	with graduation				
<b>Men</b>								
15-29	10 538	14 670	4 359	3 791	610	250	53	34 271
30-44	7 574	12 714	16 411	10 586	867	3 821	1 011	52 984

45–59	8 818	40 458	46 617	19 968	2 473	8 197	2 934	129 465
60–74	3 996	46 684	50 138	28 335	2 347	15 241	5 702	152 443
75+	1 664	32 179	22 046	19 478	1 110	9 795	6 352	92 624
<b>In total</b>	<b>32 590</b>	<b>146 705</b>	<b>139 571</b>	<b>82 158</b>	<b>7 407</b>	<b>37 304</b>	<b>16 052</b>	<b>461 787</b>
Women								
15–29	5 945	11 228	3 729	3 779	511	813	345	26 350
30–44	7 102	13 220	11 734	12 537	580	2 875	299	48 347
45–59	5 219	41 599	25 958	32 100	1 706	7 759	1 937	116 278
60–74	3 722	51 866	25 552	33 517	1 572	9 220	5 382	130 831
75+	7 368	107 541	24 987	26 058	1 313	5 389	11 464	184 120
<b>In total</b>	<b>29 356</b>	<b>225 454</b>	<b>91 960</b>	<b>107 991</b>	<b>5 682</b>	<b>26 056</b>	<b>19 427</b>	<b>505 926</b>
In total								
15–29	16 483	25 898	8 088	7 570	1 121	1 063	398	60 621
30–44	14 676	25 934	28 145	23 123	1 447	6 696	1 310	101 331
45–59	14 037	82 057	72 575	52 068	4 179	15 956	4 871	245 743
60–74	7 718	98 550	75 690	61 852	3 919	24 461	11 084	283 274
75+	9 032	139 720	47 033	45 536	2 423	15 184	17 816	276 744
<b>In total</b>	<b>61 946</b>	<b>372 159</b>	<b>231 531</b>	<b>190 149</b>	<b>13 089</b>	<b>63 360</b>	<b>35 479</b>	<b>967 713</b>

Approximately one third of men with physical or mental disability completed only primary school. The second largest group is made up by secondary education without school leaving examination – 30 %. More than two fifths of women has primary education – 45 % and one fifth – 21 % with completed secondary education with graduation. 8 % of men and 5 % of women with physical or mental disability achieved university education.

Comparison of the highest achieved education between disabled persons and whole population **in breakdown by age and gender** (only disabled persons of age 15 years and more)

<b>Highest achieved education</b>						
<b>Age Group</b>	<b>Without education</b>	<b>Primary</b>	<b>Secondary</b>		<b>Higher special secondary</b>	<b>University</b>
			<b>Without graduation</b>	<b>With graduation</b>		
<b>Disabled persons in the Czech Republic (absolute rate)</b>						
15–29	16 483	25 898	8 088	7 570	1 121	1 063
30–44	14 676	25 934	28 145	23 123	1 447	6 696
45–59	14 037	82 057	72 575	52 068	4 179	15 956
60+	16 750	238 270	122 723	107 388	6 342	39 645
<b>Disabled persons in the Czech Republic (in percentage)</b>						
15–29	27.37	43.00	13.43	12.57	1.86	1.77

30–44	14.67	25.93	28.13	23.12	1.45	6.70
45–59	5.83	34.06	30.13	21.62	1.74	6.62
60+	3.15	44.87	23.11	20.22	1.19	7.46
<b>Population in the Czech Republic (absolute rate)</b>						
15–29	11 692	678 593	734 333	775 677	31 674	125 383
30–44	13 186	176 873	874 619	664 451	15 499	277 548
45–59	14 783	389 488	965 466	588 277	25 443	235 657
60+	21 611	706 477	680 503	294 218	35 495	123 647
<b>Population in the Czech Republic (in percentage)</b>						
15–29	0.50	28.79	31.15	32.90	1.34	5.32
30–44	0.65	8.75	43.25	32.85	0.77	13.73
45–59	0.67	17.55	43.50	26.51	1.15	10.62
60+	1.16	37.94	36.55	15.80	1.91	6.64

### Health Disability - Type of health disability

Six basic types of health disability were distinguished in the survey.

#### Type of health disability by gender and age

Age Group	Health disability							In total persons	Disability per 1 Person
	Physical	Visual	Auditory	Mental	Psychiatric	Internal	In total		
<b>Men</b>									
<b>0–14</b>	9 703	4 393	1 154	7 549	3 285	13 552	39 636	27 941	1.419
<b>15–29</b>	14 246	3 243	2 365	14 210	6 012	10 754	50 830	34 271	1.483
<b>30–44</b>	22 855	4 451	1 981	9 742	10 806	18 333	68 168	52 984	1.287
<b>45–59</b>	63 616	6 997	6 166	12 570	17 957	65 586	172 892	129 465	1.335
<b>60–74</b>	73 687	10 785	9 361	8 682	11 411	102 745	216 671	152 443	1.421
<b>75+</b>	54 267	8 844	14 875	5 830	9 354	66 603	159 773	92 624	1.725
<b>In total</b>	<b>238 428</b>	<b>38 713</b>	<b>35 902</b>	<b>58 675</b>	<b>58 986</b>	<b>277 954</b>	<b>708 658</b>	<b>490 452</b>	<b>1.445</b>
<b>Women</b>									
<b>0–14</b>	6 984	3 571	1 748	4 055	1 561	8 791	26 710	18 267	1.462
<b>15–29</b>	11 464	3 075	1 470	8 754	3 140	10 177	38 080	26 350	1.445
<b>30–44</b>	20 252	3 146	2 752	9 564	11 470	16 657	63 841	48 347	1.320
<b>45–59</b>	64 343	5 781	5 060	7 732	16 705	52 961	152 582	116 278	1.312
<b>60–74</b>	79 173	7 857	5 844	4 645	12 251	83 623	193 393	130 831	1.478
<b>75+</b>	129 337	25 296	21 809	13 182	23 776	121 069	334 469	184 120	1.817
<b>In total</b>	<b>311 979</b>	<b>48 726</b>	<b>38 798</b>	<b>48 024</b>	<b>69 079</b>	<b>293 780</b>	<b>810 386</b>	<b>525 096</b>	<b>1.543</b>
<b>In total</b>									
<b>0–14</b>	16 687	7 964	2 902	11 604	4 846	22 343	66 346	46 208	1.436
<b>15–29</b>	25 710	6 318	3 835	22 964	9 152	20 931	88 910	60 621	1.467
<b>30–44</b>	43 107	7 597	4 733	19 306	22 276	34 990	132 009	101 331	1.303
<b>45–59</b>	127 959	12 778	11 226	20 302	34 662	118 547	325 474	245 743	1.324
<b>60–74</b>	152 860	18 642	15 205	13 327	23 662	186 368	410 064	283 274	1.448

<b>75+</b>	183 604	34 140	36 684	19 012	33 130	187 672	494 242	276 744	1.786
<b>In total</b>	<b>550 407</b>	<b>87 439</b>	<b>74 700</b>	<b>106 699</b>	<b>128 065</b>	<b>571 734</b>	<b>1 519 044</b> **	<b>1 015 548</b> *	<b>1.496</b>

\* 1,627 persons without stating age were included into the whole of 1,015,548.

\*\* Owing to possibility of more answers after conversion 1.015,548 persons mentioned in total 1,519,044 cases of disability. Only one disability of viscus is included into the given number.

Together with increasing age prevalence of chronic ailments is increasing and simultaneously presence of more ailments at individuals is also increasing – 1.79 disability for a person above 75 years of age.

### Level of disability

Owing to consideration of consequences affected life of ill persons it is necessary to also consider level and seriousness of disability. It is necessary to point out that the above mentioned definition of a disabled person, which expresses this term like “threshold” of his disability (see page 5), were obligatory for filling the questionnaire in VŠPO 07 investigation.

### Level of health disability - by age, gender and type of disability

	Rate of disability *						Average Rate of Disability ***
	Light	Medium Serious	Serious	Very Serious	Not stated	In total	
<b>Gender</b>							
<b>Men</b>	91 325	197 557	145 287	55 238	1 045	490 452	2.336
<b>Women</b>	97 431	220 866	156 223	48 717	1 859	525 096	2.299
<b>In total</b>	<b>188 756</b>	<b>418 423</b>	<b>301 510</b>	<b>103 955</b>	<b>2 904</b>	<b>1 015 548</b>	<b>2.317</b>
<b>Age group</b>							
<b>0-14</b>	22 471	14 068	5 909	3 760	-	46 208	1.804
<b>15-29</b>	16 829	16 863	16 726	10 203	-	60 621	2.335
<b>30-44</b>	21 693	43 745	23 490	12 294	109	101 331	2.261
<b>45-59</b>	42 323	112 176	69 590	21 328	326	245 743	2.285
<b>60-74</b>	52 676	121 566	80 173	28 343	516	283 274	2.298
<b>75+</b>	32 764	109 454	105 200	27 677	1 649	276 744	2.465
<b>In total</b>	<b>188 756</b>	<b>418 423</b>	<b>301 508</b>	<b>103 956</b>	<b>2 905</b>	<b>1 015 548**</b>	<b>2.317</b>
<b>Type of disability</b>							
<b>Physical</b>	117 247	235 572	152 000	42 983	2 605	550 407	2.220
<b>Visual</b>	24 479	31 451	19 924	10 981	604	87 439	2.200
<b>Auditory</b>	19 948	28 793	18 061	7 746	152	74 700	2.182
<b>Mental</b>	24 036	33 700	33 034	15 036	893	106 699	2.369
<b>Psychiatric</b>	27 719	56 985	30 705	11 436	1 220	128 065	2.204
<b>Internal</b>							
<b>****</b>	272 873	381 972	186 770	47 509	1 568	890 692	2.010

<b>In total</b>	<b>486 302</b>	<b>768 473</b>	<b>440 494</b>	<b>135 691</b>	<b>7 042</b>	<b>1 838 002</b>	<b>2.123</b>
-----------------	----------------	----------------	----------------	----------------	--------------	------------------	--------------

\* *The most serious disability is considered, by types all disabilities of the given type.*

\*\* *The whole 1,015,548 includes also 1,627 persons, whose age was not specified*

\*\*\* *Light = 1, medium serious = 2, serious = 3, very serious = 4*

\*\*\*\* *Including multiple internal*

The highest rate of disability was recorded for persons with mental disability 2.37.

### **Need of aids for disabled persons**

Current modern technology principally improves quality of life at disabled persons. Assortment of compensation aids has significantly currently improved in the Czech Republic, even if the selective survey indicated that in particular as regards selected types of disability offer and availability of means of health techniques was not quite optimal.

### **Need of aids for disabled persons in breakdown by disability**

<b>Type of Disability</b>	<b>Need of aids</b>					<b>In total</b>
	<b>No need</b>	<b>Has</b>		<b>Others</b>	<b>Not stated</b>	
		<b>Adequate</b>	<b>Unsatisfactory</b>			
	<b>Absolutely</b>					
<b>Physical</b>	203 839	327 354	8 763	3 712	6 739	550 407
<b>Visual</b>	26 809	55 171	2 497	625	2 337	87 439
<b>Auditory</b>	26 499	41 351	3 620	1 720	1 510	74 700
<b>Mental</b>	79 952	22 345	792	1 377	2 233	106 699
<b>Psychiatric</b>	104 969	17 633	919	881	3 663	128 065
<b>Internal *</b>	659 037	213 922	3 378	4 795	9 560	890 692
<b>In total</b>	<b>1 101 105</b>	<b>677 776</b>	<b>19 969</b>	<b>13 110</b>	<b>26 042</b>	<b>1 838 002</b>

\* *Including multiple internal*

Compensation aids play significant role in the process of rehabilitation and following integration of disabled person into society. It results from outcomes of investigation that in particular people with visual, physical or auditory disability use technical aids – more than 60 %.

### **Need of aids for disabled persons - by type of disability**

<b>Need of aids (in percentage)</b>					
<b>Type of disability</b>	<b>No need</b>	<b>Has</b>		<b>Others</b>	<b>Not stated</b>
		<b>Adequate</b>	<b>Unsatisfactory</b>		
<b>Visual</b>	30.66	63.10	2.86	0.71	2.67
<b>Physical</b>	37.05	59.47	1.59	0.67	1.22
<b>Auditory</b>	35.47	55.36	4.85	2.30	2.02
<b>Internal</b>	73.99	24.02	0.38	0.54	1.07

<b>Mental</b>	74.94	20.94	0.74	1.29	2.09
<b>Psychiatric</b>	81.96	13.77	0.72	0.69	2.86

Consequences of health disability - by gender, age and type of disability

	Limitation of *											Number of Limitations Per 1 person
	mobility	Orientation	Self-Service	Managing Household	Receiving Information	Communi-cation Skills	Eating Skills	Legal Capability	Others	In total	Persons In total	
<b>Gender</b>	<b>Absolutely</b>											
<b>Men</b>	293 204	85 835	173 495	147 205	82 188	98 994	87 542	41 966	102 581	1 113 010	490 452	2.269
<b>Women</b>	342 555	95 799	219 239	262 005	90 344	95 895	98 263	34 463	90 351	1 319 914	525 096	2.514
<b>In total</b>	<b>635 759</b>	<b>181 634</b>	<b>392 734</b>	<b>409 210</b>	<b>172 532</b>	<b>194 889</b>	<b>185 805</b>	<b>76 429</b>	<b>192 932</b>	<b>2 432 924</b>	<b>1 015 548</b>	
<b>Age groups</b>	<b>Absolutely</b>											
<b>0-14</b>	11 058	10 500	9 592	4 474	10 069	12 219	8 234	3 996	21 848	91 990	46 208	1.991
<b>15-29</b>	22 869	17 923	20 562	20 259	20 536	24 728	10 468	15 388	18 430	171 163	60 621	2.824
<b>30-44</b>	43 534	19 412	26 779	32 961	22 498	27 208	13 570	14 005	26 641	226 608	101 331	2.236
<b>45-59</b>	141 522	28 292	56 506	74 667	32 054	42 549	31 652	15 153	49 809	472 204	245 743	1.922
<b>60-74</b>	189 348	34 270	100 472	108 638	28 045	35 200	53 445	12 099	50 396	611 913	283 274	2.160
<b>75+</b>	226 176	71 097	178 017	167 123	59 007	52 333	59 121	15 532	25 552	853 958	276 744	3.086
<b>In total</b>	<b>635 759</b>	<b>181 634</b>	<b>392 734</b>	<b>409 210</b>	<b>172 532</b>	<b>194 889</b>	<b>176 805</b>	<b>76 429</b>	<b>192 932</b>	<b>2 432 924</b>	<b>1 015 548</b>	<b>2.396</b>
<b>Type of disability**</b>	<b>Absolutely</b>											
<b>Physical</b>	208 727	8 363	84 135	79 029	5 106	7 822	14 503	1 755	24 159	433 599	244 896	1.771
<b>Visual</b>	3 296	13 083	4 310	4 660	4 252	1 337	320	503	3 435	35 196	17 119	2.056
<b>Auditory</b>	148	6 217	339	852	11 252	12 552	-	148	661	32 169	16 201	1.986



<b>Mental</b>	4 044	2118 260	16 777	17 871	22 147	25 140	5 477	18 929	5 773	134 418	33 920	3.963
<b>Psychiatric</b>	2 253	11 525	10 694	20 622	18 490	27 186	2 347	8 227	9 420	110 764	44 251	2.503
<b>Internal</b>	123 842	10 599	60 900	76 201	8 553	13 375	63 649	3 673	96 393	457 185	278 771	1.640

*\* Possibility of more answers \*\*Only persons with one type of disability \*\*\*The whole  
1, 015, 548 includes also 1,627 persons without stating age.*

Limited mobility represents an accessory feature at the absolute majority of disabled persons – 85 %. Auditory defect strongly affect communication abilities – 78 % and receipt of information – 69 %. Persons with a significantly reduced orientation are particularly visually impaired people. As a typical handicap of mentally disabled person are problems in communication.

### Providing assistance to a physically or mentally disabled person.

Owing to limited abilities the disabled persons need help and assistance in some areas. General effort is to enable to physically or mentally disabled persons to remain, if there is even little possibility, in their home environment. All-year care of a handicapped family member is a very demanding work from a physical and psychological- aspect. Therefore public administration organizations, non-profit- organizations, churches and other entities offer different forms of assistance. Close cooperation with family members is a part of provided services, when a team of workers try to assist at solution of family problems associated with disability of clients.

Provision of assistance to a physically or mentally disabled person - by age and level of disability.

	Assistance provided by*						Without Provided Care
	Family **	Assistant	Family members ***	Neighbours, Friends	Attendance Services	Another Entity	
<b>Age groups</b>							
<b>0-14</b>	42 020	1 519	1 240	53	158	3 575	64
<b>15-29</b>	48 687	2 685	3 115	1 771	858	6 358	4 184
<b>30-44</b>	70 548	1 870	5 809	5 556	1 685	6 384	17 964
<b>45-59</b>	164 013	3 546	14 165	12 374	5 731	8 608	47 864
<b>60-74</b>	206 293	2 582	20 124	16 020	16 586	9 820	38 647
<b>75+</b>	206 591	3 026	31 338	22 456	49 499	19 396	12 277
<b>Rate of the most serious disability</b>							
<b>Light</b>	121 388	1 820	8 125	6 377	3 928	2 586	38 543
<b>Medium serious</b>	299 760	3 967	30 966	22 427	21 551	14 069	62 849
<b>Serious</b>	233 977	4 969	27 839	22 844	32 138	25 206	16 904
<b>Very serious</b>	83 199	4 384	8 975	6 473	15 159	12 595	2 485
<b>Not stated</b>	586	127	88	109	1 848	109	381
<b>In total</b>	<b>738 910</b>	<b>15 267</b>	<b>75 993</b>	<b>58 230</b>	<b>74 624</b>	<b>54 565</b>	<b>121 162</b>

\* Possibility of more answers.

\*\* Family – close family members as they are: mother, father, husband, wife, son, daughter, brother, sister or partner.

*\*\*\* Family members – other family members: aunt, uncle, cousin, (female) cousin, father-in-law, mother-in-law.*

## Level of self-sufficiency at physically or mentally disabled persons

### Level of self-sufficiency - by gender, age and level of disability

	Level of self-sufficiency						Average Rate of Self-sufficiency*
	Total Self-Sufficiency	Assistance of Several Hours Per day	All-day Assistance	No Self-sufficiency	Not stated	In total	
<b>Gender</b>							
<b>Men</b>	230 118	146 488	50 506	34 622	53	461 787	0.746
<b>Women</b>	198 272	194 828	72 351	40 114	361	505 926	0.697
<b>Age groups</b>							
<b>15-29</b>	30 412	10 274	8 269	11 666	-	60 621	0.660
<b>30-44</b>	59 086	25 804	8 016	8 425	-	101 331	0.779
<b>45-59</b>	152 026	67 176	17 029	9 459	53	245 743	0.824
<b>60-74</b>	136 199	105 531	27 198	14 231	115	283 274	0.761
<b>75+</b>	50 667	132 531	62 345	30 955	246	276 744	0.578
<b>Rate of disability</b>							
<b>Light</b>	133 587	29 797	2 631	139	131	166 285	0.929
<b>Medium serious</b>	210 983	156 223	29 762	6 722	115	403 805	0.805
<b>Serious</b>	69 570	125 658	65 324	34 629	-	295 181	0.593
<b>Very serious</b>	13 978	29 270	24 923	31 507	168	99 846	0.419
<b>Not stated</b>	272	368	217	1 739	-	2 596	0.227
<b>In total</b>	<b>428 390</b>	<b>341 316</b>	<b>122 857</b>	<b>74 736</b>	<b>414</b>	<b>967 713</b>	<b>0.720</b>

\*Total self-sufficiency = 1,000, assistance several hours = 0,667, all-day assistance = 0,333, no self-sufficiency = 0,000.

*Share of men and women, who are not able to self-care at all, is identical and it is approximately 8 %.*

**Living of physically or mentally disabled persons - by gender, age and type of disability**

	Type of housing										
	Apartment in standard house / small house			Apartment in a specialized house		Protected Living	Supported Living	Bed In Social Care Facility	Others	Not stated	In total
	Standard	Barrier-Free	Of special Purpose	Of special Purpose	Attendance Services						
<b>Gender</b>											
<b>Men</b>	427 844	24 571	472	1 432	5 042	805	152	24 130	5 496	508	490 452
<b>Women</b>	451 486	25 532	752	2 263	10 144	266	448	30 193	3 125	887	525 096
<b>In total</b>	<b>879 330</b>	<b>50 103</b>	<b>1 224</b>	<b>3 695</b>	<b>15 186</b>	<b>1 071</b>	<b>600</b>	<b>54 323</b>	<b>8 621</b>	<b>1 395</b>	<b>1 015 548</b>
<b>Age groups</b>											
<b>0-14</b>	43 542	1 384	149	-	-	-	-	629	451	53	46 208
<b>15-29</b>	49 789	4 731	64	492	432	612	-	3 872	582	47	60 621
<b>30-44</b>	89 535	5 103	537	240	249	46	152	4 195	1 053	221	101 331
<b>45-59</b>	218 796	11 473	136	752	1 577	250	339	8 997	3 080	343	245 743
<b>60-74</b>	253 131	12 338	106	501	4 129	86	109	10 703	2 003	168	283 274
<b>75+</b>	223 552	14 965	232	1 710	8 799	77	-	25 394	1 452	563	276 744
<b>In total</b>	<b>879 330</b>	<b>50 103</b>	<b>1 224</b>	<b>3 695</b>	<b>15 186</b>	<b>1 071</b>	<b>600</b>	<b>54 323</b>	<b>8 621</b>	<b>1 395</b>	<b>1 015 548 **</b>
<b>Type of disability</b>											
<b>Physical *</b>	214 465	19 363	425	764	3 725	301	54	3 932	1 462	405	244 896
<b>Visual *</b>	15 363	925	61	-	301	80	-	106	283	-	17 119
<b>Auditory *</b>	15 841	-	-	-	262	-	98	-	-	-	16 201
<b>Mental *</b>	25 463	275	-	158	132	279	-	6 921	537	155	33 920
<b>Psychiatric *</b>	40 386	241	-	-	382	-	109	2 605	495	33	44 251
<b>Internal *</b>	262 665	5 361	55	459	3 255	-	47	4 716	2 159	54	278 771
<b>Multiple disability</b>	305 011	23 938	683	2 314	7 129	411	292	35 935	3 685	749	380 147

\* Only persons with one type of disability \*\* The whole 1 015 548 includes also 1,627 persons without stating age.

### Social care facility

In spite of medical science development, rehabilitation methods and more and more asserting attempt in maximally possible integration of physically or mentally disabled persons into society, there is a group of persons, who require long-term institutional care. If the institutional facilities attempt to compensate home and create home environment as maximally as possible, it means to gradually transform and adapt living conditions, operation and character of environment and fittings in these facilities and also legislation, which regulate their operation. Incorporators of institutional facilities is appropriate to analysed in particular by capacity of facilities.

### Living in social care facilities - by incorporators and number of beds

	Number of beds in the facility						In total
	Up to 20	21 - 50	51 - 100	101 - 200	More than 200	Not stated	
<b>Incorporator of facility</b>	<b>Absolutely</b>						
<b>State</b>	64	823	1 844	115	2 239	-	5 086
<b>Regional</b>	41	1 597	6 939	17 496	4 645	127	30 844
<b>Municipal</b>	459	4 913	4 530	3 501	1 425	-	14 829
<b>Church</b>	397	1 511	300	53	-	-	2 260
<b>Private</b>	106	185	650	-	108	-	1 048
<b>Others</b>	-	147	-	-	-	-	147
<b>Not stated</b>	-	-	-	-	-	109	109
<b>In total persons</b>	<b>1 067</b>	<b>9 175</b>	<b>14 263</b>	<b>21 164</b>	<b>8 418</b>	<b>235</b>	<b>54 323</b>

	In percentage						
<b>State</b>	0.12 %	1.51 %	3.40 %	0.21 %	4.12 %	-	9.36 %
<b>Regional</b>	0.07 %	2.94 %	12.77 %	32.21 %	8.55 %	0.23 %	56.78 %
<b>Municipal</b>	0.85 %	9.04 %	8.34 %	6.45 %	2.62 %	-	27.30 %
<b>Church</b>	0.73 %	2.78 %	0.55 %	0.10 %	-	-	4.16 %
<b>Private</b>	0.19 %	0.34 %	1.20 %	-	0.20 %	-	1.93 %
<b>Others</b>	-	0.27 %	-	-	-	-	0.27 %
<b>Not stated</b>	-	-	-	-	-	0.20 %	0.20 %
<b>In total</b>	<b>1.96 %</b>	<b>16.89 %</b>	<b>26.26 %</b>	<b>38.96 %</b>	<b>15.50 %</b>	<b>0.43 %</b>	<b>100.00 %</b>

Duration of stay in social care facilities depends in particular on continuous development of health status, prospect of its further improvement and also needs and interests of a particular patient.

#### Average duration of stay at social care facilities

Age Group	Duration of stay (years + months)		
	Men	Women	In total
<b>0-14</b>	6 years + 7 months	4 years + 7 months	5 years + 5 months
<b>15-29</b>	15 years + 3 months	12 years + 5 months	14 years + 0 months
<b>30-44</b>	22 years + 6 months	22 years + 3 months	22 years + 4 months
<b>45-59</b>	22 years + 11 months	19 years + 3 months	22 years + 0 months
<b>60-74</b>	14 years + 3 months	9 years + 2 months	12 years + 5 months
<b>75+</b>	4 years + 3 months	4 years + 8 months	4 years + 8 months
<b>Not stated</b>	3 years + 1 month	8 years + 2 months	6 years + 11 months
<b>In total</b>	<b>15 years + 3 months</b>	<b>7 years + 11 months</b>	<b>11 years + 5 months</b>

**Economic (not)activity of physically or mentally disabled persons by age (only disabled persons in age group 15 years and above)**

Age Group	Economic activity								
	Student Child	Employed, Self-employed person	Unemployed	Not working Pensioner	Working Pensioner	In Household	Others	Not stated	In total
	<b>men</b>								
<b>15-29</b>	11 847	5 577	3 510	9 241	452	200	2 973	471	34 271
<b>30-44</b>	96	20 784	5 413	18 357	3 605	745	2 067	1 917	52 984
<b>45-59</b>	-	37 537	10 699	62 381	8 020	569	6 549	3 710	129 465
<b>60-74</b>	-	9 629	2 677	125 946	8 681	211	2 569	2 730	152 443
<b>75+</b>	-	513	131	87 355	1 544	613	288	2 180	92 624
<b>In total</b>	<b>11 943</b>	<b>74 040</b>	<b>22 430</b>	<b>303 280</b>	<b>22 302</b>	<b>2 338</b>	<b>14 446</b>	<b>11 008</b>	<b>461 787</b>
	<b>Women</b>								
<b>15-29</b>	9 735	4 286	2 064	6 929	681	895	1 539	221	26 350
<b>30-44</b>	63	14 983	5 600	18 668	2 569	2 179	2 773	1 512	48 347
<b>45-59</b>	-	29 429	11 351	59 456	5 684	1 869	4 892	3 597	116 278
<b>60-74</b>	-	1 696	1 310	121 599	2 594	477	641	2 514	130 831
<b>75+</b>	-	105	-	179 099	690	657	250	3 319	184 120
<b>In total</b>	<b>9 798</b>	<b>50 499</b>	<b>20 325</b>	<b>385 751</b>	<b>12 218</b>	<b>6 077</b>	<b>10 095</b>	<b>11 163</b>	<b>505 926</b>
	<b>In total</b>								
<b>15-29</b>	21 582	9 863	5 574	16 170	1 133	1 095	4 512	692	60 621
<b>30-44</b>	159	35 767	11 013	37 025	6 174	2 924	4 840	3 429	101 331
<b>45-59</b>	-	66 966	22 050	121 837	13 704	2 438	11 441	7 307	245 743
<b>60-74</b>	-	11 325	3 987	247 545	11 275	688	3 210	5 244	283 274



<b>75+</b>	-	618	131	266 454	2 234	1 270	538	5 499	276 744
<b>In total</b>	<b>21 741</b>	<b>124 539</b>	<b>42 755</b>	<b>689 031</b>	<b>34 520</b>	<b>8 415</b>	<b>24 541</b>	<b>22 171</b>	<b>967 713</b>

From the gender perspective, men with health disability are often more economic active than women. 60 % men and 40 % women are work-active. A group of working pensioners contains more disabled men – 65 % than women – 35 %. The most productive age group of persons with health disability is formed by people of age 45 – 59 years irrespective of gender.

**Comparison of economic activity between disabled persons and whole population  
by age**

Age Group	Economic activity					
	Child, Student	Employed, Self-employed person	Unemployed	Not working pensioner	Working pensioner	In household
<b>Disabled persons in the Czech Republic (absolute frequency)</b>						
15-19	62 242	408	494	1 159	-	158
20-34	5 384	18 250	7 459	25 660	2 830	2 616
35-49	-	41 260	14 450	47 837	7 694	1 768
50-64	-	62 721	19 642	186 619	15 867	2 393
65+	-	1 900	749	427 864	8 129	1 481
<b>Disabled persons in the Czech Republic (in percentage)</b>						
15-19	96.56 %	0.63 %	0.77 %	1.80 %	0.00 %	0.25 %
20-34	8.66 %	29.34 %	11.99 %	41.25 %	4.55 %	4.21 %
35-49	0.00 %	36.51 %	12.79 %	42.33 %	6.81 %	1.56 %
50-64	0.00 %	21.84 %	6.84 %	64.97 %	5.52 %	0.83 %
65+	0.00 %	0.43 %	0.17 %	97.21 %	1.85 %	0.34 %
<b>Population in the Czech Republic (absolute frequency)</b>						
15-19	1620870	55 325	33 278	207	74	613411
20-34	148915	1660985	230660	27075	3161	194084
35-49	-	1820428	155330	80946	10705	56001
50-64	-	931830	67575	787870	109177	15848
65+	-	3 439	-	1348009	57 006	364
<b>Population in the Czech Republic (in percentage)</b>						
15-19	69.77 %	2.38 %	1.43 %	0.01 %	0.00 %	26.40 %
20-34	6.57 %	73.34 %	10.18 %	1.20 %	0.14 %	8.57 %
35-49	0.00 %	85.73 %	7.32 %	3.81 %	0.50 %	2.64 %
50-64	0.00 %	48.73 %	3.53 %	41.20 %	5.71 %	0.83 %
65+	0.00 %	0.24 %	0.00 %	95.68 %	4.05 %	0.03 %

**Duration of current gainful activity in breakdown by age (only employed and self-employed persons)**

Age Group	Duration of current gainful activity (in years)						
	Less than 1	1 - 3	3 - 5	5 - 10	More than 10	Not stated	In total
	<b>Employment</b>						
<b>15-29</b>	543	2 988	3 173	1 769	279	355	9 107
<b>30-44</b>	1 390	2 028	3 100	4 902	16 110	2 015	29 545
<b>45-59</b>	1 135	2 535	1 871	2 536	43 712	2 332	54 121
<b>60-74</b>	216	166	23	479	7 144	388	8 416
<b>75+</b>	-	-	-	-	250	-	250
<b>In total</b>	<b>3 284</b>	<b>7 717</b>	<b>8 167</b>	<b>9 686</b>	<b>67 495</b>	<b>5 090</b>	<b>101 439</b>
	<b>Self-employed work</b>						
<b>15-29</b>	-	43	149	-	-	247	439
<b>30-44</b>	75	312	279	703	2 743	277	4 389
<b>45-59</b>	313	790	400	1 553	6 293	905	10 254
<b>60-74</b>	-	-	-	138	1 777	653	2 568
<b>75+</b>	-	-	-	-	148	-	148
<b>In total</b>	<b>388</b>	<b>1 145</b>	<b>828</b>	<b>2 394</b>	<b>10 961</b>	<b>2 082</b>	<b>17 798</b>
	<b>In total</b>						
<b>15-29</b>	543	3 031	3 322	1 769	279	602	9 546
<b>30-44</b>	1 465	2 340	3 379	5 605	18 853	2 292	33 934
<b>45-59</b>	1 448	3 325	2 271	4 089	50 005	3 237	64 375
<b>60-74</b>	216	166	23	617	8 921	1 041	10 984
<b>75+</b>	-	-	-	-	398	-	398
<b>In total</b>	<b>3 672</b>	<b>8 862</b>	<b>8 995</b>	<b>12 080</b>	<b>78 456</b>	<b>7 172</b>	<b>119 237*</b>

\*5,302 persons did not mention character of activity.

**ARTICLE 18: THE RIGHT TO ENGAGE INTO A GAINFUL OCCUPATION IN THE TERRITORY OF  
OTHER CONTRACTING PARTIES**

*Article 18, paragraph 4*

*"With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Contracting Party, the Contracting Parties undertake: the right of their nationals to leave the country to engage in a gainful occupation in the territories of the other Contracting Parties."*

**Since January 1, 2009, a foreigner can use 60-day period to find a new job if he loses the job, for which he has been issued a work permit. A foreigner can use this 60-day period if:**

**the employment ended:**

- due to termination of the employer or its part;
- the employer or his part was transferred;
- the employee-foreigner became redundant;
- according to a medical assessment, the foreigner cannot perform his/her work because of work injury, occupational disease or because the threat of such disease,
- the foreigner has lost his ability to further perform his/her work due to his/her health; medical assessment deems the foreigner to be incapable to perform his work and the employer did not offer him other suitable job;
- the employer has not paid the wage or its part within 15 after the due date;

**and simultaneously**

on the day of the termination of his/her job, the foreigner resided in the Czech Republic in purpose of employment:

- at least for one year, if the employment termination immediately followed after this period, or
- less than one year, if on the day of employment termination the foreigner resided in the Czech Republic for three years without interruption (two years if the foreigner is a holder of a Green Card. Within the uninterrupted period of residence residence on the basis of a visa for residence longer than 90 days and/or long-term residence permit is being counted.

Work permit is newly issued for two years. Labour Office can prolong a work permit taking into account the situation on the labour market if a foreigner applies for it. The prolongation can be repeated, but each time by no more than two years. A foreigner is entitled to apply for prolongation of a work permit three months before the permit expiry at the earliest and 30 days prior that day at the latest. The condition of prolonging the work permit, that the employment must be carried for the same employer, was cancelled.

A work permit is newly required in the case that the foreigner is a seasonal worker tasked with activities which depend on the changing of seasons, but the maximum length is six months in a calendar year under the condition, that between particular jobs in the Czech Republic at least six months elapse. With regard to the enlargement of the EU in 2004 the Czech Republic has borders only with EU Member States. Because of that it is not necessary to regulate employment of foreigners in border regions and the relevant part was deleted in the Employment Act.

The foreigner who study in the Czech Republic can now work without work permit. Foreigner-graduates of Czech secondary school or university are allowed to work in the Czech Republic without work permit as well.

The Committee has asked for a complete list of practical situations in which Czech citizens may be prevented from leaving the country, and their legal basis, to be included in the report.

Citizens of the Czech Republic may be prevented from leaving the country by reason of criminal prosecution or deprivation of liberty or by reason of limitation of liberty. In general The Article 8 of the Charter of Rights and Freedoms (Charter) can be applied, where it states that a person can be prosecuted or deprived of his liberty only by reasons and in the manner determined by law. As well detention of a person can be realized only in cases as stipulated by law. A detained person must be released after period of maximum 48 hours or handed over to a court with it that a judge must hear a detained person and decide about custody or release such person at the latest up to 24 hours after detention. As concerns case of arrest of an accused person the Article 8 of the Charter stipulates that a person can be arrested only on the basis of a written justified order issued by a judge and that the arrested person must be brought to a court in 24 hours. A judge must hear the arrested person and decide about custody or release him up to 24 hours after detention. In connection with the institute of custody the general principle is that a person can be placed to custody only by reasons and for a period determined by law and on the basis of a decision made by a court. Last but not least cases of exercise of institutional health care cannot be omitted. The Act stipulates in what cases a person can be accepted or held in institutional health care without his approval with it that such measure must be reported to the Court until 24 hours and the Court decides about it until 7 days.

In particular these provisions are embodied into the following acts:

- Act N. 273/2008 Coll., on Police of the Czech Republic, Chapter Fifth Restriction of Personal Liberty (Section 24 – 26);
- Act N. 40/2009 Coll., Criminal Code: provisions on punishments and protective measures (Section 36 et seq.).

Further we refer to the Act N. 197/2010 Coll., which amends the Act N. 329/1999 Coll. on Travel Documents, as amended (Act on Travel Documents), and Act N. 141/1961 Coll., Rules of Criminal Procedure, as amended, which has introduced the institute of prohibition of leaving the country with the effect from January 1, 2011. Pursuant to Section 77a of the Rules of Criminal Procedure the Court and also in the course of pre-trial proceedings on proposal of a state prosecuting attorney a judge can impose on the accused person restriction consisting in restriction of leaving the country, if a criminal prosecution is conducted for criminal acts with severity of sentence as mentioned in this provision. The Chairman of Senate or a judge in this case calls the accused person or a person who holds a travel document to deliver this document during stipulated period. If he fails to do so the court confiscates the travel document in the manner of procedure pursuant to Section 79 of the Rules of Criminal Procedure. The Chairman of Senate or a judge issues a decision on the prohibition of leaving the country, of which a copy is sent to a body competent to issue a travel document. It is proceeded similarly if the accused person was lawfully convicted (Section 333a of the Rules of Criminal Procedure). A complaint can be filed against decision.

The body competent to issue travel documents record the data on prohibition of leaving the country in the information system of records of travel documents. In case when the accused person files an application for issue of a travel document, pursuant to Section 23 of the Act on Travel Documents issue of the travel document will be refused. If the prohibition of leaving the country is lifted, the Chairman of Senate or a judge informs a body competent to issue travel documents on cancellation of the prohibition of leaving the country and return of taken travel document. In practice, from the side of the accused person the prohibition of leaving the country can be breached, in particular as concerns travels to states belonging to the Schengen area. The accused person can use his identity card for travelling to the European Union member states or to the state belonging to the European Economic Area and the identity card cannot be withdrawn, because the Act N. 328/1999 Coll., on Identity Cards, as amended, stipulates to citizens having permanent residence on the area of the Czech Republic the obligation to have identity card. If the Police of the Czech Republic detects during control of travel documents pursuant to Section 3, paragraph 3 of the Act on Travel Documents that a citizen does not hold a valid travel document, it will not enable him to leave the country.

The Committee asked to be kept informed on the contents and adoption of the new Anti-discrimination Act.

See above (Article 1).

The Committee has reiterated the conclusion of non-conformity because the principle of equal pay for equal work is only applied and assessed in relation to the same employer.

Application of the principle of equal pay for equal work can be only assessed **in relation to the same employer**. Differences in living standard and level of consumer prices exist between individual regions in the Czech Republic and also within these regions, which is reflected in different amount of incomes for equal or similar work on the basis of the principle of supply and demand.

**The Czech Republic does not agree with application of the principle of equal wage in wider extent than in relation to the same employer.** It is of the opinion that price of work in framework of labour market with satisfaction of other conditions should determine the market principles of supply and demand. Application of the principle of equal wage according to requirement of the Committee would create in framework of the market economy an area of relations, which would not be of market character on grounds of its base, but it would be interconnected with other areas and in relation of mutual dependency and liability.

From view of regions and individual branches it can be hardly defined, when the principle can be applied and when not. If we consider the territory of the entire state there is an issue how to satisfy the principle in case when some territorial units in some states apply different tax rates and other deductions from work income. Equality of gross wage does not base equality in disposable income, which belongs to the employee after taxation.

**The other issue is how to define a reference wage for any work and who has to do it? The Czech Republic is of the opinion that it would result in very complex process with high probability of error result. We thereby ask to Committee for description of a mechanism, which would satisfy its interpretation of the European Social Charter.**

Feasibility of such system is also doubtful because it can result in reduction of remunerations, which would exceed the level of determined reference wage, or it would mean to select as a reference wage the highest achieved wage in the given branch. In the first case it would not be beneficial to employees with higher wages, because they mostly live in cities and regions with higher living costs. In case of increase of lower wages to the level of highest wages in the given sectors, inflation pressure would probably occur, which would consequently lead for increase of living costs and increase of wages would not lead for increase of disposable financial means of employees in regions with lower living costs and in addition to that it would decrease disposable financial means of employees living in areas with high living costs (their wages would not grow, inflation would increase their living costs). The benefits here again would be either negative or insignificant.

The Committee has reiterated non-conformity with a specific requirement under Article 1 of the Protocol due to which compensation for victims of discrimination should be adequate and proportionate to the damage suffered by the victim. The Committee did not consider it proportionate that when an employee did not wish to be reinstated, following a discriminatory dismissal, he or she was entitled to a compensatory wage equal to the average wage that he/she would have received up to the end of the dismissal notice period.

Decision on amount of damage compensation is in hands of judges, it is not firmly embodied into legislation owing to the fact that individual cases of discrimination are very different already from their nature (for example in the issue whether and to what extent a victim of discrimination suffered a non-proprietary damage). Lump-sum adjustment would not allow for consideration of particular circumstances.

**Example of the judgement of the Supreme Court, file ref. No. 21 Cdo 1743/2009** of July 7, 2010:

*“If discrimination occurs in employment relations, the employee will have the right to claim at the employer to refrain from discrimination, remove consequences of discrimination, receive adequate satisfaction or receive compensation of non-proprietary damage in monetary compensation (for comparison Section 7, paragraph 4 and 5 of the Labour Code). Damage, which the employer has to compensate to the employee, can consist in lost income of the employee, which would otherwise belong to him without discrimination actions from the side of the employer (or its employees acting on behalf of it)”.*

The Committee asks to be kept informed on the further implementation of “Priorities and procedures in the enforcement of equality of men and women”.

The program is annually updated and assessed. Each year, it includes number of particular measures and the date of their adoption/fulfillment. With regard to the aim of the programme, which is setting and assessing of the priorities and procedures of the Government, is focused mainly on the activities of ministries and other public authorities in those areas, which the Government has marked as priorities.

**The basic purpose** of the policy of gender equality is to create such conditions to give men and women the same possibilities. This basic purpose is followed by **particular targets**, which are either *horizontal* or they are aimed to individual sectors (*sectoral targets*). These targets are:

- elimination of all forms of gender discrimination;
- more effective allowing for gender equality within the broadest scope of public policies;
- creation of cohesive and working institutional structure for promotion of equal opportunities policy on central, regional and local levels;
- establishing partnership relations with NGOs and networks of the non-profit sector;
- increase in the share of women on decision-making positions in public administration and economy;
- higher participation of women in political life;
- improvement of economic situation of women and their independence;
- better access of women, in particular from vulnerable groups, to labour market;
- narrowing the gender pay gap;
- lifting barriers which obstruct the women in entrepreneurship;
- creating all-society conditions for reconciliation of family, personal and work life;
- creation of broader scope of financially affordable childcare of children up to 3 years;
- consolidation and institutional provision of activities in the field of eradication of violence against women and domestic violence;
- effective fight against trafficking in women;
- full use of opportunities at schools and other components of institutionalised education for raising public awareness;
- finding new ways how to tackle with gender stereotypes;
- enabling for the broadest possible freedom of choice of men and women in the issues of personal identity, first and family names;
- better articulation of gender equality as a topic of the Czech foreign policy, including development cooperation and transformation policy;
- further efforts to implement UN Resolution Nos. 1325 and 1820;
- strengthening the cooperation between the central coordination body and academic places, including universities.

It becomes clear that the central authorities do fulfill well some partial, specific tasks, e.g. in the area of human resources, education and in some parts of their agenda (for instance domestic violence, trafficking in women). The comprehension of gender equality in the whole competence of individual resorts has not yet been managed sufficiently.

In the area of institutional arrangement for gender equality, three steps were taken in 2009. Working groups were established at the ministries and they completed already existing network of Gender Contact Employees. New committees of the Council of the Government for Equal Opportunities were established and the competence of the Ombudsman was extended (he now performs the task of the “Equality body”). Men and women who became victims of discrimination, can appeal to Ombudsman. It is expected that in the long term the activities of Ombudsman will improve the work of other institutions in charge of protection against discrimination, including the Labour Inspectorates and Labour Offices.

These steps create the basis of a network in the area of institutions, which shall include further organisation (in particular on regional and local levels) and shall work as nationwide forum for dialogue and cooperation in this field.



Following the programme, steps are being taken in the field of employment which aim to raise awareness on the issues pertaining to discrimination, possibilities connected with active fatherhood, ways how to facilitate reconciliation of work and family life. One of the permanent tasks is that the gender discrimination issue is included in the work of the labour inspection. One of the priorities is to make an effort to solve the problem of horizontal segregation in the labour market.

[http://www.mpsv.cz/files/clanky/12393/Priority\\_2010\\_Eng.pdf](http://www.mpsv.cz/files/clanky/12393/Priority_2010_Eng.pdf)

The Committee has requested that the report indicates financial measures in place to increase female participation in employment.

The Government of the Czech Republic in the Government Program Statement, part “Family Policy” aims to creation of conditions for further development of family policy and childcare and at higher participation of both parents in childcare. The Government Policy Statement also includes an obligation to support development of alternatives to family care at stage of pre-primary education, development of company kindergarten, alternative pre-school facilities of the type of nursery or family centres and the institute of neighbour’s care. The Government also strives to create conditions in order to faster return of caring parents to gainful activity. More flexible amendment of provision of **parental allowance** was adopted in the year 2008, when its three-speed drawing was introduced (detailed information are contained in **annual reports of the Czech Republic to the European Code on Social Security** and 8<sup>th</sup> Report on the Application of the European Social Charter).

**A separate area 3.4 “Equal opportunities for women and men in the labour market and reconciliation of work and family life” is dedicated to equal opportunities for women and men in the programme period of 2007 – 2013 in framework of the Operational Programme for Human Resources and Employment.** The aim of this area of support is to provide measures to improve access to employment and increase in employment of women for the purpose to decrease horizontal gender segregation in the labour market and promote reconciliation of work and family life, for example facilitation of access to children care and care for dependant persons.

**Target groups** in this area of support include in particular long-term unemployed women, women in the risk of unemployment, women returning to work after parental leave or after care of dependant family member, women with primary education or with low level of qualification, women at pre-retirement age, women starting up in business and performing self-employed work, parents with children and persons caring of a dependant family member. **Currently projects focused on support to immigrants – women and Roma women are being implemented.**

**The main supported activities are:**

- Access to supply of educational and retraining programmes, including distance forms of education facilitating growth in employment rate in the labour market including performance of self-employed activity;
- Support and development of childcare services for the purpose of reconciliation of work life and family life of parents.
- Introduction of flexible forms of work organization and its implementation in practice;

- Measures and activities leading to decrease of segregation of labour market on the grounds of gender, including retraining and programmes in order to gain professional skills in branches, which are considered atypical for men/women.
- Creation and development of programmes in order to remove manifestations of discrimination in the labour market on the grounds of gender, searching for the most serious forms of discrimination in the labour market, active development of new possibilities of independent activities with putting emphasis on removal of discrimination.
- Development of education and motivation of employers in the area of equal opportunities for men and women and reconciliation of work life and family life, enhancing knowledge of importance of the measures applied in order to reconcile work life and family life and of importance of flexible forms of work organization.
- Partnership of different participants in the family policy on local, regional, national and international level for the purpose of reconciliation of work and family life.

The area of support is implemented through grant-based and individual projects. In total **1,640,529,944 CZK** was allocated to grant-based projects and **150,000,000 CZK** to individual projects. **Share in allocation from the European Social Fund amounts to 3 %.** Grant projects are being submitted in framework of global grants, which are framework plans for implementation of the area of support or its part. Individual projects are based on direct allocation of financial means for development of national politics and programmes and they are submitted in particular from the level of state administration.

In framework of first appeal to submit grant-based project **110 projects were supported in 2009 and total amount of allocated financial means was 404,869,043.14 CZK.** The assessment study, which the Ministry of Labour and Social Affairs ordered to be processed for supported projects, confirms to certain extent that without deliberate and targeted reflection of impact of projects and their activities into equal opportunities and position of women and men even negative impact can become a risk. It is possible to say that inequalities between women and men persist from major part owing to prejudices and gender stereotypes. Therefore, it is very difficult to apprehend these stereotypes and combat them without necessary information, training and continuous discussion and reflection. It also results from the study that it is necessary to explain to beneficiaries what particular activities are requested in framework of submitted projects and in what manner they apply to satisfaction of the principle of equal opportunities. Some supported activities contribute well to equal opportunities, but their context and contents were not adequately and clearly communicated with beneficiaries.

At processing **second appeal** for submission of grant-based projects, which had the closing date on March 31, 2010, outputs from the mentioned assessment study were used and the appeal was more explicitly focused on enhancing equal opportunities and gender mainstreaming. **Equal participation of women and men was one of the specific assessment criteria in this appeal.** This criterion assessed in what manner equal opportunities of women and men are applied at implementation of the project. The criterion reflects whether an expert with respect to equal opportunities of women and men is a partnership organization for the project or a key person in the implementation team and in what manner it would ensure application and promotion of the principle of equal participation of women and men on individual levels and in the project activities. 51 projects were supported within the framework of the second appeal and the **total amount of allocated financial means was 247,143,788,40 CZK.**

**In framework of allocation of grants from the European Social Fund increased attention is paid to equal opportunities also in the form of the so-called horizontal issue within the Operational Programme for Human Resources and Employment, this means that equal opportunities are taken into account during the assessment of all submitted projects. In framework of the Human Resources and Employment Operational Programme projects, which would have negative impact on the horizontal issue, cannot be supported** (the Selection Commission decides on possible rejection of a project). **A publication** was issued for applicants and beneficiaries, which brings general information on equal opportunities and it should also serve as a manual on how to properly incorporate the horizontal issue into the application for financial support and following to realization of a project. The publication is a part of the so-called “Ten Commandments” in framework of the Operational Programme for Human Resources and Employment. These ten booklets are for all parties who prepare draft project for the European Structural Fund. The booklet contains description of individual processes from writing an application until closing the project. The aim is to prove that while observing the principles and rules of the horizontal issues it is not only administrative requirements associated with application of financial means of the European Social Fund what is being fulfilled, but in particular it is a helpful and beneficial step for all. **A questionnaire to the issue of equal opportunities** was created for people who submit projects in framework of the Operational Programme for Human Resources and Employment, which is a part of on-line web application form within the Benefit7 application. Questions, which are contained in the Questionnaire, relate to the basic principles of equal opportunities. Answers of the applicant are taken into account at material assessment of particular projects.

## REPORT ON APPLICATION OF THE PROTOCOL TO THE EUROPEAN SOCIAL CHARTER

### ARTICLE 1 - RIGHT TO EQUAL OPPORTUNITIES AND EQUAL TREATMENT IN MATTERS OF EMPLOYMENT AND OCCUPATION WITHOUT DISCRIMINATION ON THE GROUNDS OF GENDER

*1. With a view to ensuring the effective exercise of the right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of gender, the Parties undertake to recognize that right and to take appropriate measures to ensure or promote its application in the following fields:*

- a) access to employment, protection against dismissal and occupational resettlement;*
- b) vocational guidance, training, retraining and rehabilitation;*
- c) terms of employment and working conditions including remuneration;*
- d) career development including promotion.*

*2. Provisions concerning the protection of women, particularly as regards pregnancy, confinement and the post-natal period, shall not be deemed to be discrimination as referred to in paragraph 1 of this article.*

*3. Paragraph 1 of this article shall not prevent the adoption of specific measures aimed at removing de facto inequalities.*

*4. Occupational activities which, by reason of their nature or the context in which they are carried out, can be entrusted only to persons of a particular gender may be excluded from the scope of this article or some of its provisions.*

The legal framework safeguarding equal opportunities and equal treatment with regard to employment and occupation without discrimination based on gender is the same as the legislation on general prohibition of discrimination which has been described above, because gender-based discrimination is one of the discrimination features.

Programmes and projects in this area were described above.

Otherwise, no changes than already mentioned have been made since the 5<sup>th</sup> Report, the information in it remain valid.