EUROPEAN SOCIAL CHARTER

THE FIRST REPORT ON THE IMPLEMENTATION OF
THE EUROPEAN SOCIAL CHARTER

SUBMITTED BY THE GOVERNMENT OF THE CZECH REPUBLIC (for the period from 1 January 2000 to 31 December 2000)

The Second Part
(Articles 2, 3, 4, 7, 8, 11, 14, 15 par. 2, 17, 18 par. 4)

ARTICLE 2: THE RIGHT TO JUST CONDITIONS OF WORK

Article 2, paragraph 1

„With a view to ensuring the effective exercise of the right to just conditions of work, the Contracting Parties undertake:

to provide for reasonable daily and weekly working hours, the working week to be progressively reduced to the extent that the increase of productivity and other relevant factors permit;"

Question A

Please indicate what statutory provisions apply in respect of the number of working hours, daily and weekly and the duration of the daily rest period.

The legislation relating to the working hours is embodied in Act No. 65/1965 Coll., the Labor Code. The working time is defined as a weekly working time and only the maximum extent of the working hours is stipulated. According to the legislation in force on 31.12.2000, the length of the working time was, at the maximum, 43 working hours a week, and the breaks for food and rest, lasting at least 30 minutes, were included in the working time. Employees under 16 years of age had, at the most, 33 working hours a week.

In practice however, shorter working time was exercised in compliance with MOLSA Notification No. 63/1968 Coll., on the Principles for Shortening Weekly Working Time and Introduction of Operational and Work Patterns of a Five Days' Working Week. According to this Notification, the working time could be shortened

- to 40 hours a week for employees working underground mining coal, ores and other non-metallic raw materials, on construction mines and at work sites of geological exploration and for employees at production sites (i.e. in industry, construction building, agriculture, forestry and water industry and transport) with continuous or a three-shift work pattern,
- to 41 1/4 hours a week for employees at production sites with a two-shift work pattern,
- to 42 1/2 hours a week for employees at other work places, for company security guards, for staff of company fire brigades, watchmen and janitors.

With an even schedule of weekly working time, the working time, on the individual days, could not exceed 9 1/2 hours.

An extensive amendment to the Labor Code, Act No. 155/2000 Coll., Which Amends Act No. 65/1965 Coll., the Labor Code, as Subsequently Amended, and Several Other Acts, came into force on 1.1.2001. This amendment brought about alterations to the legislation relating to working time. The working time is newly defined as a period during which an employee is obliged to perform work for an employer. The maximum working time is 40 hours a week and the breaks for food and rest are no longer included in the working time. Newly the Labor Code directly stipulates that the maximum working time of employees

a) working underground mining coal, ores and other non-metallic raw materials, on construction mines and at work sites of geological exploration, is 37.5 hours a week,
b) working a three-shift or continuous work pattern is 37.5 hours a week,
c) working a two-shift work pattern is 38.75 hours a week,
d) under 16 years of age is 30 hours a week, and their working time on the individual days must not exceed 6 hours.

When the working time is evenly scheduled the length of a shift must not exceed nine hours. When the working time is unevenly scheduled the length of a shift must not exceed 12 hours (provisions of Articles 84, paragraph 2 and 85, paragraph 2 of the Labor Code).

The introduction of shortened working time, without a reduction in wages for health reasons, below the level set out by the Labor Code, requires an approval by the Ministry of Labor and Social Affairs, acting in agreement with the Ministry of Health and after consultation with the appropriate central trade union body and the appropriate employers' organization.

A further shortening of the working hours, without a reduction in wages below this level, can be agreed in a collective agreement or prescribed in internal regulations, in the case of employers who are engaged in business activities. Shorter working hours can be agreed with an employee in an employment agreement.

According to the wording of the Labor Code in force as of 31.12.2000, an employer is obliged to provide an employee, at the longest after five hours of continuous work a break from work for food and rest lasting at least 30 minutes. If the work cannot be interrupted, the employee must be provided with an adequate period for rest and food without the operations or work being interrupted. Breaks for food and rest are not provided at the beginning or end of a shift. The breaks for food and rest are included in the working time within the extent of 30 minutes per shift.

An amendment to the Labor Code altered the provisions relating to the breaks in work, so that the employer is obliged to provide an employee at the longest after four and a half hours of continuous work a break for food and rest lasting at least 30 minutes; such breaks for food and rest are not included in the working time.

The aforementioned amendment to the Labor Code No. 155/2000 Coll. also newly defined several terms. A **shift** is defined as the part of the determined weekly working time, excluding overtime, when an employee is engaged in work for his employer according to a predetermined pattern of work shifts during a period of 24 consecutive hours. **A *two-shift work pattern*** is a work pattern, in which employees rotate in two shifts during a period of 24 consecutive hours; a ***three-shift work pattern*** is a work pattern, in which employees rotate in three shifts during a period of 24 consecutive hours. A ***continuous work pattern*** is a work pattern, in which employees rotate in shifts during the period of 24 consecutive hours because their employer´s operation is continuous. A continuous operation is an operation, which requires the performance of work 24 hours a day, seven days a week.

The legal regulation relating to the uninterrupted rest between two shifts was also amended (for detail see answer to question E).

The aforementioned amendment to the Labor Code incorporated newly the detailed legislation relating to **flexible working time** (provision of Article 85a and the subsequent provisions), which was so far regulated by MOLSA Notification No. 196/1989 Coll.. In the interest of making a better use of the working time and meeting the personal needs of employees, the employer can introduce flexible working time, after consulting the competent trade union body. The employer determines the specific conditions for the implementation of flexible working time in his work code. The employer is obliged to acquaint the employees with these conditions in advance. When flexible time is introduced, the employee himself

chooses the beginning and, as the case may be, the end of the working time on individual days within the time bands determined by the employer (the so-called „optional working time"). Within these two bands of optional working time, there is a core working time for which the employee is obliged to be at the workplace (the so-called „basic working time").

The beginning and the end of the basic working time is determined by the employer in such a way that, within the determined 40-hour working time, it accounts for at least five hours of the individual days. The optional working time is scheduled by the employer at the beginning and at the end of a shift so that at least one hour of the optional working time falls at the beginning of a shift, within the determined 40-hour weekly working time. In several cases, the flexible working time does not apply (for instance on a business trip); in such cases the weekly working time as scheduled in shifts and determined in advance, which the employer is obliged to determine for this purpose, applies to the employees.

Flexible working hours can be applied as a ***flexible working day,*** in which the employee chooses the beginning of the shift and is obliged, on the particular day, to work the full shift falling on that day, in accordance with the weekly working time as scheduled in shifts determined by the employer. Flexible working time can also be applied as a ***flexible working week,*** in which the employee chooses the beginning and end of shifts and is obliged within the week in question to work the full determined weekly working time. Flexible working time can also be applied as a ***flexible four-week period***, in which the employee chooses himself the beginning and the end of shifts and is obliged within the period of four successive weeks, determined by the employer, to work the full working time falling according to the scheduled weekly working time on this four-weeks period.

The inspection of meeting the regulation defining the working conditions is executed by the work safety inspectorates (see answer to the question of Article 3, paragraph 2, (A)) and by the labor offices.

The inspection activity of the labor offices is carried out on the basis of the authorization and definition of the subject of inspection, specified in Act No. 1/1991 Coll., on Employment, as subsequently amended. According to Article 26, paragraph 1 of the quoted Act, the labor offices inspect the fulfillment of labor law regulations by employers and by their organizational units, except for working conditions arising from the regulations relating to safety and health protection at work. The statutory provisions on employment, the Labor Code, the Act on Collective Bargaining, acts regulating wages, salaries and reimbursement of travel costs, the Act on the Protection of Employees in the Event of Insolvency of Their Employer and the statutory provisions issued for the implementation of these acts are considered as the labor law regulations for the purposes of the inspection activity. The inspections are carried out in the mode set by the Czech National Council's Act No. 9/1991 Coll., on the Employment and on Activities of the Authorities of the Czech Republic in the Sector of Employment, as subsequently amended. The general inspection order presented in the Czech National Council's Act No. 552/1991 Coll., on the State Inspection, as subsequently amended, is also used as an auxiliary instrument.

The subject of the inspections by the labor offices is the fulfillment of labor law provisions on the part of the employers with regard to the employees. The inspections cannot replace the decision-making on the individual claims and disputes between employees and employers. The decision-making authority falls under the exclusive competence of courts (Article 207 of the Labor Code). The intervention of the inspection body can prevent court proceedings, provided the employers accept the inspection findings and adopt effective corrective measures. The labor office is obliged to ask the employer to adopt such measures and is authorized to request the employer to deliver a report on the adopted corrective measures. In the case of unwillingness of the employer to eliminate shortcomings or in the case of ascertaining a serious violation of employers' obligations arising from labor law regulations, the labor office can impose the employer a fine up to the amount of 250,000 CZK. In case of a repeated violation the labor office can impose a fine of up to the amount of 1,000,000 CZK.

A report from the actual labor office inspection, a finding delivered by another inspection authority (for instance the foreigners' police) or an input of a citizen, can serve as an input for the commencement of the administrative proceedings concerned with imposing a fine for a violation of the labor law regulations on the part of the employer. The documentation must however include sufficient amount of data, based on which it is possible to carry out the administrative proceedings. This procedure is applied especially for the purposes of imposing fines for illegal employment, unauthorized provision of placement services, and publication of discriminatory employment offers. This procedure however often collides with the unwillingness of citizens to step out of their anonymity and specify their input.

An overview of the numbers of external inspections and the number of imposed fines is presented in the attached tables.

Most of the labor offices carry out the so-called **comprehensive inspections,** the basis of which is the inspection of the fulfillment of the most frequently violated provisions of the labor law regulations that have an impact on the legal position of the employee, or inspection supplemented with a topical theme. For instance in 2001 all labor offices carried out inspections of the equal position of men and women in employment – equal wage for equal work and for work of equal value. Beside this, inspections are also carried out operationally, based on the request of a superior authority or other immediate needs. Other specialized inspections, for instance financial inspections, are also carried out. The possible fines for ascertained violations are imposed as an aggregate amount, not as a total sum of the fines for the individual violations.

In 2001 the labor offices carried out a total of 11,768 external inspections and, based on the inspection findings, imposed 1,396 fines in the total amount of 21,936,058 CZK. They further imposed 280 disciplinary fines in the total amount of 1,899,200 CZK (in 2000 they carried out in total 14,442 external inspections and, based on the inspection findings, 1,926 fines were imposed, in the total amount of 33,512,850 CZK). The decrease of the number of external fines is caused by the fact that the attached tables newly report only the inspections of the fulfillment of the labor law regulations with regard to employees, carried out by the inspection units, however not the financial inspections carried out in the field of active employment policy (meeting conditions arising from agreements on the provision of material support with regard to the establishment of socially purposeful employment opportunities, meeting agreements on the provision of retraining etc.).

Similarly as in past years the following shortcomings, in particular, were ascertained by the external inspections carried out:

Meeting statutory provisions on employment:

⇒ Employment of citizens without a work permit and without a permit of the employers to obtain foreigners from abroad for vacant jobs.

A more and more frequent phenomenon is the performance of work outside the scope of labor law relations and outside the scope of inspection and sanction authority of the labor offices. Foreigners are holders of trading licenses, shareholders or executives of legal entities, members of co-operatives etc. By linking the business legal relations, nontransparent relations arise between the subcontractors who often are also foreigners.

⇒ Illegal employment is ascertained also among the applicants for employment, registered at the labor offices. Material security or social security benefits were paid to these applicants, in spite of the fact that they were collecting wages from their employers. These cases are usually connected with the non-meeting of tax obligations of the employers with regard to the state. If the participants of such arisen relations act in agreement, and those who are informed about them remain in anonymity, it is difficult to prove an existence of such labor law relation.

⇒ Employers do not meet their legal obligations in the employment of citizens with reduced work ability; in particular they do not create and do not report suitable employment opportunities for these citizens.

⇒ Employers do not report vacant employment opportunities to the labor offices.

Meeting the Labor Code:

⇒ Employers do not meet the duties determined at the commencement, alterations and termination of an employment relationship. They in particular do not issue the employment agreements on time and in writing. They do not meet the obligatory requisites of the employment agreements. They do not execute acts associated with the commencement of an employment relationship of school-leavers, minor persons and persons with reduced work ability. They agree invalid trial periods. Alterations to the agreed conditions are not carried out in writing. Notice grounds are not distinguished and therefore the required procedures are not met. Notice periods are not met, illegal the so-called „trial employment", which is often combined with concurrent registration at the register of applicants for employment instead of utilizing the institute of a trial period, is ascertained.

⇒ Employers do not issue confirmation on employment (employment record) at the termination of an employment relationship and unlawfully condition the handing of the record to the employee by the employee's meeting of a condition imposed by the employer.

⇒ Employees do not pay the determined severance pay.

⇒ Employers do not provide leave in the extent determined by the law, they do not pay compensatory wage for leave not taken, especially when terminating employment relationships.

⇒ Employers abuse the agreements on work performed outside the scope of an employment relationship for the execution of repeated work and they enter into relationships that have the nature of an employment relationship. Especially with agreements on the execution of work there are insurance contributions evasions, because this short-term form of employment is also advantageous for the employees, they act in agreement with the employer and the evading of the law is difficult to prove.

Meeting the statutory provisions regulating wages and salaries, and the Act on the Reimbursement of Travel Costs:

⇒ Employers take hold of wages or their compensations, reduce them without justification, they do not pay for overtime work.

⇒ Employers incorrectly assess employees into wage classes and grades, or as the case may be erroneously recognize and withdraw the components of the wage that are not fixed.

⇒ Employers do not meet the minimum wage tariffs and do not pay the bonus payments determined by law in defined situations.

⇒ Employers erroneously calculate the average earnings.

⇒ Employers do not reimburse meal allowances for domestic business trips and erroneously set the amount of meal allowances for business trips abroad etc.

Meeting the statutory provisions regulating the field of collective bargaining and the Act on the Protection of Employees in the Event of Insolvency of Their Employer:

⇒ Employees do not respect the provisions of higher level collective agreements, in particular the entitlement of employees to a longer leave.

⇒ Employers abuse the Act on the Protection of Employees in the Event of Insolvency of Their Employer.

The labor offices register a permanent increase of inputs of citizens with regard to the inspections of employers. Employees prove the insufficient knowledge of the valid labor law regulations, in particular, in the case of smaller and medium-size companies. Employees of these small employers, in particular, claim the help of the labor offices for resolving the individual disputes. The employees of the labor offices try to explain to both parties the correct procedures and to make them to adopt solutions. A citizen must however, in each case, be informed about the exclusive decision-making authority of the court in this area and the existence of expiration periods. The labor offices work with the inputs utilized for the inspections at employers. They formulate the subject of the inspection so that it provides them with a complete picture of the situation at the employer, so that it includes the fulfillment of certain obligations with regard to all employees or selected groups of them that could suffer a detriment according to the input and also so that operations preceding or linking operations are reviewed, especially if they have impact on the legal safeguard of the employee.

Question B

Please indicate what rules concerning normal working hours and overtime are usual in collective agreements, and what is the scope of these rules.

The legislation relating to working time is drawn up as relatively cogent, i.e. the Labor Code only stipulates the maximum extent of the working time. The further shortening of the working time, without a reduction in wages below this extent, can be agreed in a collective agreement or determined in internal regulations, in cases where employers engage in business activity. In higher level collective agreements deposited at the Ministry of Labor and Social Affairs (see MOLSA Notification No. 16/1991 Coll., on the Mediation, Arbitrators and Depositing of Higher Level Collective Agreements), there are usually provisions on the shortening of working time (usually by 2.5 hours a week) without a reduction in wages (see the provision of Article 83a, paragraph 4 of the Labor Code). The texts of enterprise level collective agreements are not available at the Ministry of Labor and Social Affairs.

Question C

Please indicate the average working hours in practice for each major professional category.

The average **usual length of the weekly working time,** including the break for the main meal, achieved in the civil sector in the case of persons with **sole or main employment** is 43.5 hours. **The actual time worked,** within the referential period, was lower (41.4 hours). Persons working full time in their main employment usually worked 44.5 hours a week. Persons working a reduced working time in their main employment worked 25.3 hours. The actual length of time worked in the case of second employment amounted to an average of 11.7 hours in the referential week.

The proportion of second employment in the total extent of work performed is presented in the following table. The table presents, beside the extent of the weekly performed work, according to the workload, also the corresponding number of workers.

The usual average length of working time and the number of workers, according to their position in the civil sector of the national economy (4th quarter 2000)

Employment status (excluding those who were not working 4 weeks and more)	Main employment		Second employment 1)
	Full time working hours	Shortened working hours	
Numbers of workers in thousand			
Employed in total	4388,2	241,3	126,4
Of which:			
Employees	3657,9	205,0	51,6
Members of production cooperatives	46,6	2,9	0,4
Entrepreneurs including helping family members	683,7	33,4	74,5
Usual average period of working time			
Employed in total	44,5	25,3	11,7
Of which:			
Employees	43,1	25,9	12,0
Members of production cooperatives	45,2	24,4	32,0
Entrepreneurs including helping family members	51,7	21,7	11,3

1) Actual time worked

Within the framework of the survey, entrepreneurs presented that their activity is considerably demanding in terms of time. For long time the average weekly working hours of entrepreneurs have been exceeding the average weekly working time of employees with a full time job by nearly one fifth.

NUTS 3 - Czech Republic and regions **In thousand**

EMPLOYED IN CS	Czech Republic		Region		
	Total	In % of the overall average	The City of Prague	Central Bohemia	Budějovice Region
	CZ0		CZ011	CZ021	CZ031
In total					
Average weekly number of usually worked hours	**43,5**	**100,0**	**45,3**	**43,7**	**43,1**
- full working time	44,5	102,3	46,8	44,6	44,0
Of which: - employees	43,1	99,2	45,5	42,9	42,7
- members of production cooperatives	45,2	104,0	54,0	44,3	43,2
- entrepreneurs	51,9	119,4	52,0	53,0	50,6
- helping family members	46,6	107,2	46,9	49,0	50,0
- reduced working time	25,3	58,2	23,7	25,3	24,7
Average number of hours worked in the referential week:	**41,4**	**95,2**	**44,2**	**41,7**	**40,7**
- full working time	42,4	97,5	45,6	42,7	41,6
Of which: - employees	40,8	93,9	44,2	40,7	40,1
- members of production cooperatives	42,7	98,1	55,3	39,4	42,1
- entrepreneurs	50,9	117,1	51,1	52,3	49,3
- helping family members	44,9	103,2	46,5	49,1	50,0
- reduced working time	23,5	54,0	23,5	20,9	23,5
Men					
Average weekly number of usually worked hours	**45,3**	**100,0**	**47,9**	**45,2**	**44,8**
- full working time	45,8	101,1	48,9	45,8	45,1
Of which: - employees	43,9	96,9	47,1	43,6	43,3
- members of production cooperatives	46,1	101,9	61,7	44,3	43,0
- entrepreneurs	53,6	118,4	54,0	54,2	52,6
- helping family members	49,4	109,2	44,7	48,1	70,0
- reduced working time	23,4	51,8	21,8	23,8	24,7
Average number of hours worked in the referential week:	**43,7**	**96,5**	**47,3**	**43,8**	**42,8**
- full working time	44,2	97,6	48,2	44,5	43,1
Of which: - employees	42,1	93,1	46,5	42,0	41,1
- members of production cooperatives	43,4	95,8	62,7	38,3	41,4

- entrepreneurs	52,7	116,5	53,2	53,8	51,2
- helping family members	49,5	109,5	44,7	57,3	70,0
- reduced working time	21,3	47,0	20,7	18,0	23,7
Women					
Average weekly number of usually worked hours	**41,2**	**100,0**	**42,3**	**41,7**	**40,8**
- full working time	42,7	103,7	44,2	42,9	42,3
Of which : - employees	42,2	102,5	43,8	42,0	42,0
- members of production cooperatives	43,5	105,7	46,4	44,3	43,6
- entrepreneurs	47,1	114,4	47,0	49,4	44,3
- helping family members	45,7	110,9	47,5	49,4	48,3
- reduced working time	25,9	62,9	24,5	26,1	24,7
Average number of hours worked in the referential week:	**38,5**	**93,4**	**40,7**	**38,8**	**38,0**
- full working time	39,9	96,9	42,4	40,1	39,3
Of which: - employees	39,2	95,3	41,8	39,1	38,8
- members of production cooperatives	41,4	100,5	48,0	41,4	43,6
- entrepreneurs	45,8	111,2	45,8	47,9	43,4
- helping family members	43,3	105,2	47,0	46,2	48,3
- reduced working time	24,2	58,7	24,7	22,3	23,5

Question D

Please indicate to what extent working hours have been reduced by legislation, by collective agreements, or in practice during the reference period and, in particular, as a result of increased productivity.

The legislation relating to the shortened working hours was dealt with in answers to questions A and B. Among the statutory provisions (valid as of 31.12.2000) issued, based upon an authorization, by the Ministry of Labor and Social Affairs, which introduced the reduced working time without a reduction in wages for health reasons below the levels defined by the Labor Code, there are for instance:

- ***MOLSA Notification No. 45/1987 Coll., on the Principles for Shortening of Working Time without a Reduction in Wages for Health Reasons for Employees under 21 Years of Age Working in Underground Mines,***
- ***MOLSA Notification No. 96/1987 Coll., on the Principles for Shortening of Working Time without a Reduction in Wages for Health Reasons for Employees Working with Chemical Carcinogens.***

In both the above mentioned cases the working time was reduced to 36 hours a week.

After the amendment to the Labor Code came into force, the length of the weekly working time was, in several higher level collective agreements, set according to Article 83a, paragraph 4 of the Labor Code (further shortening of working time without a reduction in wages).

The contractual parties of the higher level collective agreements do not expressly stipulate as a condition for the shortening of working time without a reduction in wages an increase in labor productivity.

Provisions relating to the shortening of the working time without a reduction in wages are also incorporated in several collective agreements, the binding application of which was, in compliance with the provision of Article 7 of Act No. 2/1991 Coll., on Collective Bargaining, expanded to further employers (especially in the fields of textile, clothing, leather and mining).

Question E

Please describe, where appropriate, any measures permitting derogations from legislation in your country regarding daily and weekly working hours and the duration of the daily rest period (see also Article 2 paras. 2,3 and 5).

Please indicate the reference period to which such measures may be applied.

Please indicate whether any such measures are implemented by legislation or by collective agreement and in the latter case, at what level these agreements are concluded and whether only representative trade unions are entitled to conduct negotiations in this respect.

The length of the working time and its variations were partially dealt with in the answer to question A. The shortening of working time below the limits defined by the statutory provisions can be agreed in a collective agreement or stipulated in an internal regulation. Collective agreements can be concluded on the level of the individual employers

and trade union organizations operating at the employers or on the level of the employers' organizations and trade union associations. The term representative trade unions is not known in our legal system, except for statutory provisions regulating the legal status of policemen, wardens, customs officers and firemen.

According to the legislation in force on 31.12.2000 the employer was obliged to schedule working time, so that each employee had ***from the end of one shift until the beginning of the next shif, an uninterrupted rest period*** of at least 12 hours. This rest period could be reduced up to 8 hours for an employee older than 18 years, working in continuous operations and during rotational recurring work, in agriculture, public catering, in cultural establishments or other services to the population, on urgent repairs necessary to avert a threat to the lives or health of employees, or during natural disasters or other similar extraordinary events. This rest period could however, only be reduced to 11 hours for women working in continuous operations.

The central bodies executing the state administration in the fields of transport, communications and power industry could set forth in a labor law regulation, in which cases the rest period of employees between two shifts could be reduced up to 6 hours, or as the case may be, which employees with an irregular beginning of work and with an uneven length of shifts could have this period of rest between shifts reduced below this limit. The length of this period of rest however had to equal at least the length of the previous shift if the shift was shorter than six hours. Interruption of work shorter than three hours was not considered as rest. This authorization of the central bodies was cancelled by Act No. 155/2000 Coll., which amends the Labor Code. It is however still valid that the labor law relations of persons defined in the provision of Article 5 of the Labor Code are governed by the Labor Code, unless a special statutory provision specifies otherwise (such a statutory provision is also Act No. 475/2001 Coll., on Working Time and Time of Rest of Employees with Unevenly Scheduled Working Time in Transport).

This amendment to the Labor Code amended also the above mentioned provisions relating to the uninterrupted rest period so that the employer is obliged to schedule working time so that the employee has, from the end of one shift until the beginning of the next shift an uninterrupted rest period of at least 12 consecutive hours within 24 hours. The rest can in determined cases be reduced up to 8 consecutive hours for an employee above the age of 18, on condition that the following rest period will be prolonged by the rest period's reduction. Women working in continuous operation can have this rest reduced to only 11 consecutive hours within 24 hours on condition that the following rest period will be prolonged by the rest period's reduction.

The legislation relating to the ***uninterrupted weekly rest period*** is embodied in the provision of Article 92 of the Labor Code. According to legislation in force as of 31.12.2000, the employer was obliged to schedule working time in such manner that the employee had once in a week an uninterrupted rest period lasting at least 32 hours. The Government could stipulate by a decree that the weekly uninterrupted rest period could in exceptional cases be reduced up to 24 hours in the case of employees who have shorter working time up to 18 hours and in the case of employees in communications also below these limits; it could also stipulate in which cases and under what conditions could be the weekly uninterrupted rest period for employees in agriculture and employees, whose working time was scheduled unevenly, provided once in two weeks.

The legislation in force is based upon the fact that an employee must have an uninterrupted weekly rest period during each period of 7 consecutive calendar days lasting at least 35 hours. In the case of minor (underage) employees it may not be less than 48 hours. If

the employer‘s operations so allow, the weekly uninterrupted rest period for all employees is scheduled to involve the same day and in such a manner that it shall include Sunday.

In cases specified by the provision of Article 92, paragraph 3 of the Labor Code (i.e. for instance work in communications, cultural and health care establishments) the employer may, after consulting the competent trade union organization, schedule the working time of employees over 18 years of age in such a manner that their uninterrupted weekly rest will be at least 24 hours and they will be provided the minimum total rest period of 70 hours in two weeks. It may be agreed in a collective agreement covering employees in agriculture, or agreed with an employee working in agriculture, that the uninterrupted rest will be not less than 105 hours in three weeks.

The amendment to the Labor Code also brought about stricter conditions relating to overtime work and stand-by. ***Stand-by*** is the time during which an employee is ready to carry out work covered by his employment contract which in the event of urgent need must be carried out in addition to his scheduled work shifts. Stand-by is conditioned by an assumption of a performance of urgent work outside the framework of an employee‘s working time. Stand-by may take place at the work place or another agreed place. The employer may agree stand-by with his employee at the workplace up to 400 hours per calendar year. The employer may also agree stand-by with his employee at another place. The employer may order the employee to stand-by within the framework of the agreed stand-by. Within the enterprise level collective agreement, the scope of stand-by at the work place can be reduced, or the scope of stand-by at another place agreed with the employee can be deternined. The employee is entitled to a wage for work performed within the framework of stand-by; work performed within the framework of stand-by which exceeds the prescribed weekly working time is considered as overtime and it is taken into account in regard of limits set for overtime work. When no work is performed during a period of stand-by, it is not accounted as working time. However, the employee on stand-by is entitled to remuneration in accordance with a special legal regulation, i.e. the Act No. 1/1992 Coll., on Wages, Remuneration for Stand-by and Average Earnings and Act No. 143/1992 Coll., on Salary and Remuneration for Stand-by in Budgetary and some Other Organizations. In accordance to the Act on Wages, the employee is entitled to remuneration of at least 20% of the average hour earnings for an hour of stand-by at the workplace or 10% of the average hour earnings for an hour of stand-by outside the workplace (if the remuneration for stand-by is not agreed in a collective or employment contract). In accordance to the Act on Salary, the employee is entitled for an hour of stand-by at workplace, outside working time, to remuneration in the amount of 50%, and if it is public holidays in the amount of 100% of the proportionate part of the salary tariff, extra personal (bonus) payment and special extra payment pertaining per one hour of work without overtime work in the calendar month to which the stand-by fell on. For one hour of stand-by outside the workplace outside working time the employee is entitled to remuneration in the amount of 15%, and if it is public holidays, in the amount of 25% of the proportionate part of the salary tariff, personal extra payment and special extra payment, pertaining per one hour of work without overtime work in a month the stand-by fell on.

Overtime work is work carried out by an employee, on the instruction of his employer or with his employer‘s consent, in addition to the weekly working time covered by his predetermined schedule of work and outside the framework of the pattern of shifts. The employer can instruct employees to work overtime only in exceptional cases, if it is due to serious operational reasons, even during the period of uninterrupted rest between two shifts, or as the case may be under conditions allowing to instruct an employee to work on the day of the weekly uninterrupted rest period (see answer to question of Article 2, paragraph 2 (B)), also during public holidays. An employee‘s overtime work on instruction may not amount to more than 8 hours in the individual weeks and 150 hours in the calendar year. To perform

work additional to this extent can be done only exceptionally and providing that the employee gives his consent to the performance of such work. The total extent of overtime work may not in average amount to more than eight hours a week; an enterprise level collective agreement may stipulate a lower extent of overtime work requiring the employee‘s consent than stipulated by law.

The maximum permissible number of overtime work hours does not take into account overtime work for which the employee was provided a supplementary leave. Employees whose working time is shortened for health reasons without a reduction in wages cannot perform overtime work.

Question F

If some workers are not covered by provisions of this nature, whether contained in legislation, collective agreements or other measures, please state what proportion of all workers is not so covered (see Article 33 of the Charter).

Variances from the provisions of the Labor Code are applied in the case of labor law relations of the state‘s attorneys, members of the armed forces, members of the Fire Rescue Brigade of the CR and other persons specified in provision of Article 2 and following provisions of the Labor Code. The Labor Code relates to these labor law relations in the case that special acts, regulating the status of the aforementioned persons, do not stipulate otherwise, or as the case may be only in the case that the special acts stipulate so.

In the field in concern, the variances from the provisions relating to working time and rest period are regulated mainly by the provision of Article 24 and the following provisions of Act No. 221/1999 Coll., on Carrier Soldiers, provision of Article 40 and the following provisions of Act No. 186/1992 Coll., on the Service Status of the Members of the Czech Republic Police, and Act No. 238/2000 Coll., on the Fire Rescue Brigade of the Czech Republic. In total this accounts to approximately 80 thousand persons.

Article 2, paragraph 2

„With a view to ensuring the effective exercise of the right to just conditions of work, the Contracting Parties undertake:

to provide for public holidays with pay;"

Question A

Please indicate the number of public holidays with pay laid down by legislation, stipulated by collective agreement or established by practice during the last calendar year.

Legislation relating to public holidays is embodied in Act No. 245/2000 Coll., on Public Holidays, other Holidays, Significant Days and Days of Rest from Work. This act distinguishes on one hand the ***days of rest from work,*** which are the public holidays, i.e.

- 1st January – Day of Renewal of Independent Czech State,
- 8th May – Day of Freedom,
- 5th July – Day of Slavic Messengers Cyril and Metodej,
- 6th July – Day of Master Jan Hus,
- 28th September – Day of Czech Statehood,
- 28th October – Day of Rise of Independent Czechoslovak State and
- 17th November – Day of Fight for Freedom and Democracy,

and other holidays, i.e. 1st January – New Years Day, Easter Monday, 1st May – Feast of Labor, 24th December – Christmas, 25th December - 1. Christmas Holiday and 26th December – 2. Christmas Holiday, and ***significant days*** (12th March and 5th May) which are working days. The public holidays, other holidays and significant days cannot be determined by the collective agreements, but only by law.

Question B

Please indicate what rules apply to public holidays with pay according to legislation, collective agreements or practice.

Please describe, where appropriate, whether measures permitting derogation from legislation in your country regarding daily and weekly working hours have an impact on rules pertaining to public holidays with pay..

Provision of Article 91, paragraph 1 of the Labor Code defines the ***days of rest from work*** as the days to which the weekly uninterrupted rest of an employee falls on and holidays. Work can be instructed on the days of rest from work only exceptionally, after consultation with the competent trade union body. On a holiday an employee can be required to perform only work that can be required to be performed on days of the weekly uninterrupted rest period (i.e. urgent repair work, loading and unloading, inventory-taking and the closing of accounts, replacement of an absent employee on a shift involving continuous operations, work averting a threat to life or health, or work relating to natural disasters or similar extraordinary events, work relating to necessities of life, health or the population's cultural needs, work by the crews of vessels, feeding and care of farm animals), to perform work in continuous operations and work necessary during the guarding of buildings of the employer.

Legislation relating to wages (salary) which employees are entitled to for work on holidays is embodied in Act No. 1/1992 Coll., on Wages, Remuneration for Stand-by and Average Earnings, and in Act No. 143/1992 Coll., on Salary and Remuneration for Stand-by in Budgetary and some Other Organizations. The Act on Salary and the Act on Wages stipulate preferentially the entitlement of an employee to the provision of a paid supplementary leave to compensate for work on a holiday. Employees in the organizations of the so-called entrepreneurial sector are entitled to a compensatory wage, if they lost a wage as result of a holiday. If employees of the so-called public sector miss a shift due to a holiday (provision of a leave on holiday), their salary is not cut down, because the Act on Salary stipulates all components of a salary (salary tariff, bonus for management, personal bonus, special bonus and bonus with regard to a rank/position) in a form of monthly advance lump sum payments, the amount of which does not change in accordance to the number of the work days in the individual months.

Instead of the supplementary leave the employer may agree with the employee on the provision of an extra payment for working on a holiday, the amount of which is 100% of the average hour earnings for each hour of work on a holiday. The extra payment for working on a holiday is added to the achieved wages (salary) to which the employee is entitled for working on a holiday.

Question C

If some workers are not covered by provisions of this nature, whether contained in legislation, collective agreements, or other measures, please state what proportion of all workers is not so covered (see Article 33 of the Charter).

From the aforementioned principle no exceptions are allowed within the system set forth by the Act on Salary and Act on Wages.

Different rules for requiring work on a holiday are applied to a defined range of employees (see answer to question of the Article 2, paragraph 1 (F)).

Article 2, paragraph 3

„With a view to ensuring the effective exercise of the right to just conditions of work, the Contracting Parties undertake:

to provide for a minimum of two weeks annual holiday with pay;“

Question A

Please indicate the length of annual holidays under legislative provisions or collective agreements; please also indicate the minimum period of employment entitling workers to annual holidays.

Please describe, where appropriate, whether measures permitting derogation from statutory rules in your country regarding daily and weekly working hours have an impact on rules pertaining to the duration of annual holidays..

Labor Code in wording in force by 31.12.2000 distinguishes the following **types of leaves (for convalescence):**

- ***leave for a calendar year (annual leave),***
- ***leave based on the number of days worked,***
- ***supplementary leave*** *(see answer to the question of the Article 2, paragraph 4 (B)),*
- ***special suplementary leave*** *(see answer to the question of the Article 2, paragraph 4 (B)),*
- ***additional leave*** *(see answer to the question of the Article 2, paragraph 4, (B)).*

Special suplementary leave was repealed by the amendment to the Labor Code (with the effectiveness as of 1.1.2001). This amendment was also reflected in other provisions of the Labor Code relating to the entitlement to a leave.

The former legal regulation stipulated that the basic period of the leave for a calendar year amounts to 3 weeks. An employee who attained at least 15 years of employment relationship after the age of 18 years by the end of the calendar year was entitled to a leave of four weeks. Employees of employers who were engaged in business activities could have in the collective agreement or in the internal regulation their leave extended by additional weeks above the limit of the aforementioned leave period. Employees of employers who were not engaged in business activities were entitled to one more week of leave than the aforementioned leave period. Leave of teachers including head masters and their representatives was eight weeks and leave of teachers in kindergartens including the head masters of these schools and their representatives, educators and lecturers of vocational education was six weeks in a calendar year.

The statutory period of leave per calendar year in accordance to the Labor Code, as amended, is 4 weeks in a calendar year (provision of Article 102, paragraph 1 of the Labor Code). Employers who are engaged in business activities may, in a collective agreement or in their internal regulations, extend their employees‘ leave by additional weeks over and above the period of basic period of leave. Leave of employees of employers who are not engaged in business activities is 5 weeks. Leave of pedagogical employees and academic employees of universities is 8 weeks.

Entitlement to **the annual leave (per calendar year)** arises to an employee whose employment relationship with the same employer lasted continuously in a calendar year for at

least 60 days. In case the employment relationship to the same employer did not last the whole calendar year, but the employee however performed work for the employer for at least 60 days in the calendar year, the employee is entitled to a ***proportionate part*** of the leave per calendar year. The proportionate part of the leave amounts to one-twelfth of the leave for a calendar year, for each whole calendar month of the same continuous employment relationship. An employee who is not entitled to the leave per a calendar year or to its proportionate part (because he did not perform work for at least 60 days with the same employer) is entitled to the **leave for days worked,** in the extent of one-twelfth of the leave for a calendar year for each 22 worked days in the calendar year (provision of Article 104 of the Labor Code). A day in which the employee worked the predominant part of his shift is considered a worked day.

Question B

Please indicate the effect of incapacity for work through illness or injury during all or part of annual holiday on the entitlement to annual holidays.

The Labor Code deals with the issues of the incapacity to work in relation to drawing leave for convalescence in several provisions. Provision of Article 108, paragraph 3 stipulates that the employers must not determine drawing of the leave for a period when the employee is recognized as being temporarily unfit to work. Another provision relating to the question in concern is the provision of the Article 110, paragraph 1 which holds that if an employee was during his leave recognized as unfit to work due to sickness or injury, his leave is interrupted.

Provision of Article 107 of the Labor Code assign the government with the duty of stipulating by a governmental decree the conditions and extent of the shortening of a leave for the time not worked. This Decree (Government Decree No. 108/1994 Coll., Implementing the Labor Code and several other acts) holds that if an employee who is entitled to an annual leave did not work due to impediments to work, which are not regarded as performance of work for the purposes of annual leave (for instance work incapacity with the exception of an industrial injury or occupational disease), his leave is curtailed for the first 100 days of absence by one-twelfth and for every further 22 days of absence also by one-twelfth. If the employee was enable to work due to an industrial injury and missed due to such arisen work incapacity 100 or more working days, his leave is not curtailed. Work incapacity arisen due to an industrial injury or occupational disease is for the purposes of a leave for convalescence considered as an execution of work (Article 40, paragraph 1 and 2 of the aforementioned Decree).

Question C

Please indicate if it is possible for workers to renounce their annual holiday.

According to the existing legislation it is not possible for an employee to waive his entitlement to a leave (such legal act would be invalid under the provision of Article 242, paragraph 1 of the Labor Code). The provision of Article 108, paragraph 1 of the Labor Code stipulates that the time when the leave is taken is determined by the employer. This means that the employer is obliged to determine for the employee (taking into respect his justified interests) the taking of a leave in the relevant calendar year.

The Labor Code also takes into consideration the cases when the employee could not take a leave or its part. Provision of Article 110b stipulates that a compensatory wage for a leave that was not taken will be provided by the employer to the employee provided that the employee was unable to take such leave, not even by the end of the following year, because the employer did not fix a time for him to take his leave, or miscalculated the length of his leave, due to impediments to work on the part of the employee or due to termination of the employment relationship.

Question D

Please indicate the customary practice where legislation or collective agreements do not apply.

The statutory provisions apply to all employees.

Question E

If some workers are not covered by provisions of this nature, whether contained in legislation, collective agreements or other measures, please state what proportion of all workers is not covered (see Article 33 of the Charter).

Legislation differing from the provisions of the Labor Code is applied to a defined range of employees (see answer to the question of the Article 2, paragraph 1 (F)).

Article 2, paragraph 4

„With a view to ensuring the effective exercise of the right to just conditions of work, the Contracting Parties undertake:

to provide for additional paid holidays or reduced working hours for workers engaged in dangerous or unhealthy occupations as prescribed ".

Question A

Please state the occupations regarded as dangerous or unhealthy. If a list exists of these occupations, please supply it.

Provision of chapter five of the Labour Code in wording in force prior to the adoption of the amendment of Act No. 155/2000 Coll., did not embody any provisions that would define dangerous or unhealthy occupations. Not even the current legal regulation gives a list of dangerous occupations; however it defines the so-called risk factors of working conditions. Providing that these factors occur at a work place, the employer is assigned with specific duties. The determination of the occupational diseases is based on the same principle, as defined in the Government Decree No. 290/1995 Coll., Determining a List of Occupational Diseases. The occupational diseases are defined as diseases arising as a result of the effect of chemical, physical, biological agents and other harmful effects, if they arose under the conditions presented in the list of occupational diseases.

The provision of Article 134b of the Labor Code concerning special expertise necessary for the attendance of technical equipment, which represents an increased danger to the lives and health of employees, was newly incorporated into the Labor Code. According to this provision the Government sets forth by a decree, which technical equipment and which activities represent an increased danger to the lives and health, and sets forth more detailed prerequisites of the special expertise of employees.

If there are **risk factors** at an employer's workplaces, the employer is obliged to establish and monitor the level of these by measuring them and ensuring that they are eradicated or at least limited to the minimum reasonable level. Risk factors are in particular the physical factors (for instance noise and vibrations), chemical factors (carcinogens), biological agents (for instance viruses and bacteria and mould) and adverse microclimatic conditions (for instance extreme cold, heat and humidity). If biological agents occur or results of the measuring of the risk factors exceed the determined highest admissible value, and if the occurrence of the biological agents cannot be eliminated, or if the values of the risk factors cannot be decreased below the determined highest admissible levels, and if the protection of the health of employees cannot be ensured, not even with personal working protection aids, the employer is obliged either to put the source of the risk factor out of operation or stop work. In compliance with Article 134c, paragraph 7 of the Labor Code, the Government determines by means of a decree the risk factors in working conditions, their classification, hygiene limits, the manner of monitoring and assessing risk factors and the minimum measures to be taken for the protection of employees' health. This relates, in particular, to Decree No. 178/2001 Coll., Determining Conditions for the Protection of Employees at Work, Decree No. 502/2000 Coll., on the Protection of Health from Adverse Effects of Noise and Vibrations; Decree No. 480/2000 Coll., on the Protection of Health from Non-ionizing Radiation.

Provision of Article 134c also newly define the so-called **controlled areas.** It is prohibited to eat, drink and smoke in controlled areas; only persons provided with the personal

protective working aids specified for work in the controlled area may enter it. Minor employees must not work in the controlled areas, not even during their vocational training. Furthermore pregnant and breastfeeding women until the end of the ninth month after giving birth to a child must not work in the controlled areas. The employer is obliged to keep records of controlled areas and employees who enter these areas. The requisites of the records' contents are defined by Article 134c, paragraph 4 of the Labor Code.

Work involving asbestos, chemical carcinogens and biological agents, and work processes involving the risk of chemical carcinogenity must always be carried out within the controlled areas.

The aforementioned amendment to the Labor Code newly embodied the **prohibition of certain work.** It is prohibited to work with 2-naphtylamine and its salts, 4-aminobiphenyl and its salts, benzidine and its salts, 4-nitrodiphenyl, asbestos and polychlorinated biphenyls, except for mono- and dichlorinated biphenyls, and with preparations containing more than 0.1% of 2-naphtylamine and its salts, 4-aminobiphenyl and its salts, benzidine and its salts or 4-nitrodiphenyl, or more than 0.005% of polychlorinated biphenyls. The prohibition of this work does not apply to work relating to laboratory research, analytical work, the disposal of non-usable stocks, waste and equipment containing these substances and preparations and the disposal of these compounds when they originate as an undesirable by-product of the production of other substances or preparations.

Question B

Please indicate what provisions apply under legislation or collective agreements or otherwise in practice as regards reduced working hours or additional paid holidays in relation to this provision.

This question has been partially answered in the answer to the question of the Article 2, paragraph 1 (A) and Article 2, paragraph 3 (A). The Labor Code in wording in force in the referential period distinguishes:

a) **supplementary leave;** employees working for the same employer underground, extracting minerals or tunneling for a whole calendar year are entitled to a supplementary leave of one week; if the employee works under such conditions for only a part of the calendar year, he is entitled to one-twelfth of the supplementary leave for each 22 days of such work.

The Government determines which further employees who undertake particularly hard (difficult) work or work which is harmful to their health shall be entitled to the supplementary leave, under which conditions and of which period (length). The Ministry of Labor and Social Affairs, in agreement with the Ministry of Health, shall determine the types of work which are particularly hard (difficult) or hazardous to health, and fields where such work is performed. At the same time, it may determine in more detail the group of employees who will be granted supplementary leave, and stipulate the type and extent of conditions which will substantiate the granting of such leave (MOLSA Notification No. 95/1987 Coll., on Supplementary Leave of Employees Working with Chemical Carcinogens, Ministry of Health and Ministry of Foreign Affairs Notification No. 75/1967 Coll., on Supplementary Leave of Employees Performing Work Hazardous to Health and Particulary Hard, and on the Compensation for the Loss of Income after Termination of Work Incapacity in the Case of Several Occupational Diseases).

The Labor Code, as amended, stipulates that an employee who works with the same employer for the whole calendar year underground extracting minerals or tunneling, and an

employee who for the whole calendar year performs work especially hard (difficult) or hazardous to health, is entitled to supplementary leave of one week. The following employees are considered for the *purposes of the supplementary leave* as employees who perform work especially hard (difficult) or hazardous to health:

- employees who work permanently in health care establishments or at their workplaces where they look after those suffering from a contagious form of tuberculosis;
- employees who are exposed to a direct risk of infection during their work at workplaces containing infectious materials;
- employees who are exposed, to a significant extent, to the adverse effects of ionizing radiation while at work;
- employees who look after the mentally sick or afflicted for at least half of their weekly working time;
- employees who for at least half of their weekly working time are responsible for the upbringing of youth in difficult conditions or who work as health care staff in the Czech Republic‘s Prison Service;
- employees who work continuously in tropical areas or other areas hazardous to health for at least a year;
- employees involved in particularly hard work during which they are exposed to the harmful effects of physical or chemical agents to such an extent that this may have an adverse impact on their health;
- employees of the Czech Republic‘s Prison Service who are in direct contact with accused persons held in custody or convicts for at least half of their weekly working time;

b) **special supplementary leave,** which the Government is authorized to set forth by means of a decree for employees with a permanent workplace underground extracting minerals, if their work shifts are determined by the mining pattern for Saturday, for employees of employers of construction production working on constructions under particularly difficult working conditions and in separation from their families, and further for other employees performing particularly important work for economic development of the society and for female employees and single employees looking after a number of children (Government Decree No. 25/1985 Coll., on Special Supplementary Leave of Several Employees of Construction Production Organizations, Government Decree No. 75/1982 Coll., on Special Supplementary Leave of Employees Working in Underground Coal and Lignite Mines);

c) **additional leave,** employees whose working time is scheduled unevenly, or other employees whose work substantially depends on weather conditions, are entitled to an additional two days‘ leave (up to a maximum of one week) for every week of their (annual) leave which they take in a period of reduced work requirements; the period of reduced work requirements is determined for instance by Ministry of Defence Notification No. 275/1993 Coll., Determining the Period of Reduced Work Requirements of Organizations of Military Forests and Estates, Ministry of Transport and Communication Notification No. 367/1999 Coll., Determining the Period of Reduced Work Requirements of Operators and Carriers at the National and Regional Railroads).

Question C

If some workers are not covered by provisions of this nature, whether contained in legislation, collective agreements or other measures, please state what proportion of all workers concerned is not covered (see Article 33 of the Charter).

Providing that an employee falls under a category of employees who are entitled to additional leave or as the case may be special supplementary leave, he always has the right to its provision.

Article 2, paragraph 5

"With a view to ensuring the effective exercise of the right to just conditions of work, the Contracting Parties undertake:

to ensure a weekly rest period which shall, as far as possible, coincide with the day recognised by tradition or custom in the country or region concerned as a day of rest."

Question A

Please indicate what provisions apply according to legislation, collective agreements or otherwise in practice as regards weekly rest periods.

Please indicate whether postponement of the weekly rest period is provided for these provisions and, if so, please indicate under what circumstances and over what period of reference.

Please indicate, where appropriate, whether measures derogating from statutory rules in your country regarding daily and weekly working time have an impact on rules relating to the weekly rest period.

The question was answered within the answer to the question of the Article 2, paragraph 1 (E).

Question B

Please indicate what measures have been taken to ensure that workers obtain their weekly rest period in accordance with this paragraph.

Inspection carried out by the specialized state supervisory bodies was described in the answer to the question of the Article 3, paragraph 2 (A).

Question C

If some workers are not covered by provisions of this nature, whether contained in legislation, collective agreements or other measures, please state what proportion of all workers is not covered (see Article 33 of the Charter).

Please indicate, for Article 2 as a whole, the rules applying to workers in atypical employment relationships (fixed-term contracts, part-time, replacements, temporaries, etc.).

The right of employees to just working conditions is guaranteed within the Czech legal order by the Charter of Fundamental Rights and Freedoms (Act No. 2/1993 Coll., Article 28).

Also the legislation relating to agreements on work performed outside the employment relationship is based on the aforementioned right. The legislation of these agreements, i.e. agreements for the performance of a work assignment and agreements on working activity, is embodied in the Labor Code. This legislation is independent, i.e. the above described provisions relating to employment relationship are not applied if not stipulated otherwise by law. Generally it can be concluded that the protection of workers performing work based upon

agreements for work performed outside of employment relationship is lower; however, the performance of work based upon these agreements is also regulated. These agreements can be concluded only for work enumerated in the provision of Article 232, paragraph 1 (i.e. work regular performance of which cannot be arranged by the employer as part of the predetermined schedules of working time and working shifts, so that its management, monitoring and supervision of the observance of working time would be effective and not wasteful, or work performance of which in an employment relationship would be socially inefficient or uneconomic for the employer for other reasons), therefore exceptionally. Limits relating to the assumed extent of work also apply to these agreements (an agreement for the performance of a work assignment has an assumed work extent within 100 hours, an agreement on working activity has an assumed work extent within 100 hours on condition that the extent of work performed will not exceed in average half of the determined weekly working time).

In terms of the measures in the field of work safety, they apply equally to all workers, i.e. regardless of their working time or job time or of the type of the labor law relation (employment relationship, agreement outside of employment relationship).

List of sources to the Article 2:

- *Act No. 2/1993 Coll.,* ***the Charter of Fundamental Rights and Freedoms***
- *Act No. 65/1965 Coll.,* ***the Labor Code,*** *as amended*
- *Act No. 1/1992 Coll.,* ***on Wages, Remuneration for Stand-by and Average Earnings,*** *as amended*
- *Act No. 143/1992 Coll.,* ***on Salary and Remuneration for Stand-by in Budgetary and some Other Organizations,*** *as amended*
- *Act No. 245/2000 Coll.,* ***on Public Holidays, other Holidays, Significant Days and Days of Rest,*** *as amended*
- *Act No. 2/1991 Coll.,* ***on Collective Bargaining,*** *as amended*
- *Act No. 475/2001 Coll.,* ***on Working Time and Time of Rest of Employees with Unevenly Scheduled Working Time in Transport,*** *as amended*
- *Act No. 221/1999 Coll.,* ***on Carrier Soldiers,*** *as amended*
- *Act No. 186/1992 Coll.,* ***on the Service Status of the Members of the Czech Republic Police****, as amended*
- *Act No. 238/2000 Coll.,* ***on the Fire Rescue Brigade of the Czech Republic, and on Amendment of Several Acts,***
- *MOLSA Notification No. 16/1991 Coll.,* ***on the Mediation, Arbitrators and Depositing of Higher Degree Collective Agreements,***
- *MOLSA Notification No. 63/1968 Coll.,* ***on the Principles for Shortening Weekly Working Time and Introduction of Operational and Work Patterns of a Five-Days' Working Week,*** *as amended*
- *MOLSA Notification No. 45/1987 Coll.,* ***on the Principles for Shortening Working Time without a Reduction in Wages for Health Reasons for Employees under 21 Years of Age Working in Underground Mines,*** *as amended*
- *MOLSA Notification No. 96/1987 Coll.,* ***on the Principles for Shortening of Working Time without a Reduction in Wages for Health Reasons for Employees Working with Chemical Carcinogens,*** *as amended*
- *Government Decree No. 108/1994 Coll.,* ***Implementing the Labor Code and several other acts,*** *as amended*
- *Government Decree No. 290/1995 Coll.,* ***Determining a List of Occupational Diseases,***
- *Government Decree No. 178/2001 Coll.,* ***Determining Conditions for the Protection of Employees at Work,***
- *Government Decree No. 502/2000 Coll.,* ***on the Protection of Health from Adverse Effects of Noise and Vibrations,***
- *Government Decree No. 480/2000 Coll.,* ***on the Protection of Health from Non-ionizing Radiation,***

- *MOLSA Notification No. 95/1987 Coll.,* ***on Supplementary Leave of Employees Working with Chemical Carcinogens,*** *as amended*
- *Ministry of Health and Ministry of Foreign Affairs Notification No. 75/1967 Coll.,* ***on Supplementary Leave of Employees Performing Work Harmful to Health or Particularly Hard, and on the Compensation for the Loss of Income after the Termination of Work Incapacity in the Case of Several Occupational Diseases,*** *as amended*
- *Government Decree, No. 25/1985 Coll.,* ***on Special Supplementary Leave of Several Employees of the Construction Production Organizations,***
- *Government Decree No. 75/1982 Coll.,* ***on Special Supplementary Leave of Employees Working in Underground Coal and Lignite Mines,***
- *Ministry of Defence Notification No. 275/1993 Coll.,* ***Determining the Period of Reduced Work Requirements of the Organizations of Military Forests and Estates,***
- *MOLSA Notification No. 196/1989 Coll.,* ***on Flexible Working Time****, as amended*
- *Ministry of Transport and Communication Notification No. 367/1999 Coll.,* ***Determining the Period of Reduced Work Requirements of Operators and Carriers at the National and Regional Railroads.***

ARTICLE 3: THE RIGHT TO SAFE AND HEALTHY WORKING CONDITIONS

Article 3, paragraph 1

„With a view to ensuring the effective exercise of the right to safe and healthy working conditions, the Contracting Parties undertake:

to issue safety and health regulations;"

Question A

Please list the principal legislative or administrative provisions issued in order to protect the physical and mental health and the safety of workers, indicating clearly:

a. their material scope of application (risks covered and the preventive and protective measures provided for), and

b. their personal scope of application (whatever their legal status – employees or not – and whatever their sector of activity, including home workers and domestic staff).

Please specify the rules adopted to ensure that workers under atypical employment contracts enjoy the same level of protection as other workers is an enterprise.

The Labor Code defines the ***statutory provisions and other provisions on safety and health protection at work*** in the provision of Article 273 as provisions relating to the protection of life and health and to hygiene and the prevention of epidemic, regulations on the safety of equipments and technical standards, transport regulations, fire prevention regulations, and regulations on the handling of flammables, explosives, weapons, radioactive materials, poisons and other substances harmful to health, if they regulate issues relating to the protection of life and health. The rules relating to the safety and protection of work issued by the central authorities or employers in agreement with the competent specialized state supervisory body and the competent trade union body are also considered to be provisions safeguarding safety and the protection of health at work.

With a view to the aforementioned definition the extent of statutory provisions in the field in concern is considerably extensive. Among the most significant legal regulations (statutory provisions) in force during the referential period there are:

- **Act No. 65/1965 Coll., the Labor Code,** as amended – Chapter Five – Safety and Protection of Health at Work (for detail see answer to question B);
- ***Act No. 174/1968 Coll., on the State Specialized Supervision of Work Safety,*** as amended (for detail see answer to question of the Article 3, paragraph 2 (A);
- ***Act No. 353/1999 Coll., on the Prevention of Serious Accidents,*** determining the system of prevention of the serious accidents for buildings and facilities where a selected dangerous chemical substance or chemical preparation is located, and regulating in particular the duties of legal entities and individuals who own or use these buildings or facilities, as well as the duties of other legal entities and individuals for the assurance of

prevention of serious accidents, and the execution of the state administration in the field in concern;

- ***Act No. 20/1966 Coll., on Care of People's Health,*** determining the duties of employers in the field of work hygiene. In compliance with this act the legal entities and individuals engaged in business activities are obliged to take all necessary measures for the creation and protection of healthy conditions and healthy life style and work, and are responsible for the meeting of these duties. The management employees at all management levels are personally liable for the meeting of these duties, within the scope of their function and the description of their work; this also applies to all other persons authorized with management, organization and work inspection. Management employees and officials are obliged to continuously create prerequisites for the initiative of the citizens in terms of care for healthy living conditions and to take into consideration the active participation of the public.

  A number of provisions of this Act were repealed with the effectiveness as of 1.1.2001, in association with the adoption of the Act No. **258/2000 Coll., on the Protection of the Public Health**, which in more detail deals with the duties in the field of care for living and working conditions. Particularly significant is the provision of the Article 37 of the quoted act, which regulates the classification of work into four classes in accordance to the degree of occurrence of factors that could have an impact on the employees' health and the degree of their health risk. Criteria, factors and limits for the classification of work into the classes are determined by the ***Notification of the Ministry of Health No. 89/2001 Coll., Determining the Conditions for Classification of Work into Categories, Limit Levels of Indicators of Biological Exposition Tests and Requisites of Reports on Work with Asbestos and Biological Agents.***

- ***Government Decree No. 290/1995 Coll., Determining a List of Occupational Diseases***

- ***Notification of the Ministry of Labor and Social Affairs No. 204/1994 Coll., Determining the Extent and More Detailed Conditions for the Provision of Personal Protective Aids, Washing Agents, Detergents and Disinfectants*** (abrogation of this act came into effect on 1 January 2002)

- ***Notification of the Czech Occupational Safety Office No. 48/1982 Coll., Determining Basic Requirements for the Assurance of the Work Safety and Safety of Technical Equipment*** (it determines, in relation to the requirements for the securing of the work safety, duties relating to the keeping of technical records, the rules for inspections of technical equipment, for designating workplaces and technical equipment involving a threat to persons, rules relating to the documentation of constructions sites, workplaces, treatment and processing of materials, etc.).

- ***Ministry of Health Notification Notification No. 261/1997 Coll., Determining Work and Work Places Prohibited to All Women, Pregnant Women, Mothers until the Ninth Month after Giving a Birth and Minors, and Conditions under Which Minors Can Exceptionally Perform This Work Due to Vocational Training.***

The field of safety and health protection at work (hereinafter BOZP) is currently undergoing extensive changes. The fundamental legal document that serves as the starting point for the national legislation, is the general directive of 1989 (89/391/EC). It regulates the implementation of the measures to increase employees' safety and health protection at work, determines the requirements for the ensuring of safety and protection of health at a workplace, and characterizes the systems of health protection and safety at work in the EU. It requires

that the employer evaluates the risks that endanger or might endanger the health of employees during the performance of work activities, and that the employer ensures the reducing of these risks to a level not threatening the health of persons. It also requires that the employees be informed about these risks, that they get safety and medical training and the necessary provision of personal protective aids that ensure the sufficient protection of their health. It also requires that the requirements for the participation of the employees in the decision making on issues relating to safety and health protection at work place be met. Based upon this general directive a number of partial directives were adopted, determining the specific aspects of activities, where the risks for industrial injuries or occupational diseases originate. These directives are reflected in the approved Government decrees or in the prepared proposals for further decrees of the CR's Government.

The fundamental step towards limiting the risks of endangering health and living environment caused by work processes was the adoption of the Act No. 155/2000 Coll., which amends the Act No. 65/1965 Coll., the Labor Code and several other acts. This provided the harmonization of the legal provision in the field of BOZP in the CR with the general Directive 89/391/EC. The amendment to the Labor Code came into effect on the 1st of January 2001 and represented in particular the new systematic arrangement of the individual provisions and the specification of the existing legislation relating to the duties and responsibilities of an employer during the assurance of BOZP. As well as the previous legislation it is based on the principle of prevention, that is however even more emphasized and specified. The amendment expands the duties of the employer to inspect the effectiveness and the fulfillment of the measures for the prevention of risks, and to minimize the risks that cannot be eliminated; it specifies in more detail the duties of the employer in the case of extraordinary events. It newly embodies the principle of the preferring the means of collective protection from risks, as opposed to the means of individual protection.

Implementing regulation, that in more detail regulate the manner of the fulfillment of the obligations of the individual entities assigned by the Labor Code, follow up the amendment to the Labor Code. Among the implementing regulation that has been published in the Collection of Laws, there are:

- Government Decree No. 178/2001 Coll., Determining the Conditions for the Protection of Employees at Work,
- Government Decree No. 378/2001 Coll., Determining More Detailed Requirements for the Safe Operation and Use of Machinery, Technical Equipment, Devices and Tools,
- MOLSA Notification No. 398/2001 Coll., Determining Fees for Activities of the Organizations of the state Specialized Supervision of Carrying out Supervision of Designated Technical Equipment Safety,
- Government Decree No. 494/2001 Coll., Determining the Manner of Recording, Reporting and Posting a Record of an Injury, a Sample of the Record, and a Range of Bodies and Institutions Which Are Reported an Industrial Injury and Sent a Record on an Injury,
- Government Decree No. 495/2001 Coll., Determining the Extent and More Detailed Conditions for the Provision of Personal Protective Working Aids, Washing Agents, Detergents and Disinfectants,
- Government Decree No. 11/2002 Coll., Determining the Appearance and Location of safety Signs and the Introduction of Signals,

- Government Decree No 27/2002 Coll., Determining the Manner and Organization of Work, as well as Work Processes, the Employer Is Obliged to Provide for the Purposes of Breeding Animals,
- Government Decree No. 28/2002 Coll., Determining the Manner of Organization of Work and Work Processes, the Employer Is Obliged to Provide for Work in Forest, and at Work Sites of a Similar Nature.

The bills of other Government decrees or other proposals of statutory provisions are being prepared, or are in the phase of being submitted to the Government for consideration. This for instance relates the draft of the proposed Act on the Safety and Health Protection Coordinator at Construction Sites, the draft of the proposed Act on the Inspection of Work or the draft of the proposed Government Decree Determining the Manner of Work Organization and Work Processes Which the Employer Is Obliged to Ensure During the Operation of Transportation by the Means of Transport.

The personal scope of the valid statutory provisions in the field of BOZP applies to all employees and accordingly to other persons in compliance with provision of the Article 137 of Labor Code, i.e. it applies to the employer who is an individual and works, to an individual who is engaged in business activity according to a special statutory provision and who does not employ anyone, and to the cooperating spouse or a child of the aforementioned persons.

The duty of the employer to ensure safety and health protection at work relates to all persons, that with his knowledge are present at his workplaces (Article 132, paragraph 2 of the Labor Code). This applies also to workers working on the basis of the agreements on work performed outside of employment relationship (provision of Article 232 and the following provisions of the Labor Code). Based on the agreements on work performed outside of employment relationship, the employers are obliged, in particular, to create adequate working conditions for the workers ensuring the due and safe execution of work. This means, in particular, to provide necessary basic utensils, material, tools and personal protective work aids, and to acquaint the workers with statutory and other provisions relating to work performed by them, in particular the statutory and other provisions for the assurance of safety and health protection at work.

Question B

Please indicate the special measures taken to protect the health and safety of workers engaged in dangerous or unhealthy work.

The provisions of the Chapter Five of the Labor Code prior to the amendment implemented by the Act No. 155/2000 Coll., stipulated for the employer in the area of BOZP in particular the duty to search, assess and evaluate risks of the possible danger to safety and health of employees, to inform the employees about them and take measures for their protection, the duty to put into operation and operate machinery, equipment and operational premises and introduce technological processes that are in compliance with the requirements of BOZP, the duty to establish, keep and improve the necessary protective equipment, the duty of adopting measures for the cases of providing first aid, for the cases of handling accidents and fires, for the case of evacuation of employees and other serious dangers, the duty not to allow that an employee performs work the performance of which is not appropriate to his capabilities and health capacity, the duty to acquaint employees with the statutory and other provisions in the area of the assurance of BOZP, to check regularly the

knowledge of these regulations and request and inspect their fulfillment, the duty of regular inspection of the standard of the BOZP care, and to eliminate faults ascertained, and the duty to provide the employees, where the protection of their life and health or the protection of life and health of other individuals requires it, with the free use of the necessary personal protective work aids, washing agents detergents and disinfectants, or as the case may be protective beverages and specific nutritional supplements.

The employers have the aforementioned duties with regard to all workers. The amendment to the Labor Code, Act No. 155/2000 Coll., stipulated, apart from these general duties, other duties for the employees at the workplaces at which the so-called risk factors occur (see answer to the question of the Article 2, paragraph 4 (A)). The amended wording of the Chapter Five of the Labor Code presents in more detail other duties of the employer, determined in the previous legislation. This relates in particular to the duty to inform employees on what is the category of the work performed by them, the duty to enable employees to view records, kept about them in the area of BOZP, acquaint them with the statutory and other provisions in the field of BOZP, to request and inspect their fulfillment, to make reports on industrial injuries, during which an employee was injured and as result of which he had a work incapacity longer than 3 calendar days or which resulted in his death, to keep journal of records of all industrial injuries.

The participation of employees in resolving issues relating to BOZP is newly regulated. These issues are dealt with in more detail in the answer to question of the Article 3, paragraph 3.

Article 3, paragraph 2

„With a view to ensuring the effective exercise of the right to safe and healthy working conditions, the Contracting Parties undertake:

to provide for the enforcement of such regulations by measures of supervision;"

Question A

Please indicate the methods applied by the Labour Inspection to enforce health and safety regulations and please also give information, inter alia, statistical, on: *a. the places of work, including the home, subjected to the control of the Labour Inspection, indicating the categories of enterprises exempted from this control;* *b. the number of control visits carried out;* *c. the proportion of workers covered by these visits.*

The fundamental statutory provision in the field in concern is the Act No. 174/1968 Coll., on the State Specialized Supervision of the Work Safety. The state specialized supervision of the work safety and technical equipment, as well as of the fulfillment of the prescribed working conditions is, according to this Act, executed by the state specialized supervisory bodies , which are the Czech Occupational Safety Office (hereinafter ČÚBP) and 8 inspectorates of occupational safety (hereinafter IBP). Hereinafter **the state specialized supervisory bodies.**

The supervision in the field of the work safety, beside the state specialized supervisory bodies, is executed also by organizations of the state specialized supervision. The only organization of this kind currently is the ***Institute of Technical Inspection Prague*** (hereinafter ITI). It was established by the Ministry of Labor and Social Affairs exclusively in the area of technical facilities designated in the field of safety (provision of the Article 1, paragraph 2 of the Act No. 174/1968 Coll.). The execution of the supervision of this organization of the state specialized supervision consists of delivering expert and binding opinions on whether during the planning phase, construction, production, assembly, operation, attendance, repairs and reviews of the designated technical facilities, i.e. equipment with an increased degree of danger to persons and property, the safety requirements of the technical facilities were met. In all determined cases, the ITI activity consists of carrying out reviews and management and evaluation of tests of the designated technical facilities, reviewing the expertise qualifications of organizations and business individuals for production, assemblies, repairs, maintenance and reviews of the designated technical facilities and issuing their certification. And it consists of reviewing the expertise of individuals for tests, reviews, repairs and assemblies or attendance to the designated technical facilities and issuing their certification.

A substantial change appeared in 2000 as for the activity of the Institute of the Technical Inspection Prague. This was related to the adoption of the Act No. 71/2000 Coll., which amended the Act No. 22/1997 Coll. and at the same time, the Act No. 174/1968 Coll. This amendment eliminated the duplicity of the supervision relating to the determined products according to the Act No. 22/1997 Coll., on Products Technical Requirements. The scope of the activity of the Institute of the Technical Inspection Prague was restricted exclusively to the activities in accordance to the Act No. 174/1968 Coll. and according to the

Government decrees implementing Act No. 22/1997 Coll. This represented a considerable decrease in its performance. A considerable part of its former activity was taken over, in compliance with the system regulated by the European law, by the authorized persons in accordance to the Act No. 22/1997 Coll., as subsequently amended.

Inspectorates of occupational safety and ITI are subordinated to ČÚBP. At the head of IBP there are the head inspectors of work safety, appointed and recalled by the Minister of Labor and Social Affairs. The Minister of Labor and Social Affairs also appoints and recalls the directors of the state specialized supervisory organizations. The competence of bodies and organizations of the state specialized supervision applies to all legal entities and individuals engaged in business activities, as long as it relates to the operation of these activities.

Inspectorates of work safety in particular **supervise,** whether the following regulations are met; the regulation on the assurance of work safety and technical equipment safety and regulation determining working conditions, especially the regulation of the manner of employing women and minors, on working time, on work performed at night and overtime work. **They provide their opinion on** the planning documentation of constructions selected according to the principles determined by the ČÚBP, whether they meet the requirements of regulation on the assurance of work safety and technical equipment safety. They **apply** during the issuing of building permits and during the process of approval of constructions the requirements of the regulation on the assurance of work safety and of technical equipment safety. They **decide on the withdrawal** or restriction organizations' and business individuals' licenses for production, assembly, repairs, reviews and tests of designated technical facilities, and for gas container fill-up in case of an ascertained violation to the regulations on the assurance of work safety and of technical equipment safety. They **participate** in investigation of the causes of industrial injuries, operational accidents, breakdowns of technical equipment and technical causes of industrial poisoning and occupational diseases. And, as the case may be, they **provide free consulting services to** employers and workers, as how to meet regulations on the assurance of the work safety and of technical equipment safety.

The basic method of work inspection consists of a physical inspection on the site, both planned and extraordinary. With a view to the seriousness of the violations ascertained, the authorized employees of the state specialized supervision (according to the provisions of the Article 6, paragraph 1 (a) to (d) of the Act No. 174/1968 Coll.) are entitled to:

- enter the premises of organizations and work premises of the business individuals anytime and request necessary documentation, information and creation of conditions for the supervision;
- to order, within reasonable deadlines, an elimination of the violations ascertained and propose necessary technical and other measures;
- to order putting machinery and equipment out of operation, with the exception of fixed traction equipment and traction vehicles in railroad as well as public transportation traction, ship and aircraft transportation, prohibit the use of production and operation facilities, technologies and activities if they pose a threat to life or health of employees;
- prohibit overtime work, work at night and work of women and minors, if it is performed in conflict with the relevant regulations.

The state specialized supervisory bodies are also empowered to impose fines:

- to employees of organizations and business individuals, who by their fault violated serious duties, arising from the regulations on the assurance of work safety and technical equipment safety, and arising from regulations determining working conditions, or who

concealed facts important for the execution of supervision, up to the amount equaling to a triple amount of their average monthly earnings,

- to organizations and enterprising individuals for the violation of regulations on the assurance of work safety and technical equipment safety and of regulations determining the working conditions, up to the amount of 500,000 CZK; for not meeting a newly set deadline for carrying out the correction, they are authorized to increase the officially set fine by up to 100%.

Except for the fines above mentioned the state specialized supervisory bodies are in specified cases authorized to impose fines in accordance to the Act on Transgressions (see provision of Article 86 of the Act No. 200/1990 Coll., on Transgressions).

Bodies and organizations of the state specialized supervision cooperate with the competent trade union and central trade union bodies, with the employers‘ organizations and trade associations, with the competent central, local, and other bodies of the state administration and they inform them on the measures for the elimination of the faults ascertained during their activity. On request all these bodies and organizations are obliged to provide the bodies and organizations of the state specialized supervision with documentation and information necessary for the execution of this supervision.

The focus of the supervisory activity in 2000 and 2001 was based upon the aspects of the prevention of risks, indicators of industrial injuries rate and reoccurrence of industrial injuries due to the same causes and sources. For the purposes of assuring the supervisory activities, the ČÚBP prepared, for the area of supervision, in the Program of Activities for 2000, the nationwide supervisory tasks, on the base of which the individual IBP prepared their own supervisory tasks.

The results of the execution of the supervision and investigation of industrial injuries are processed and analyzed by the IS SOD subsystem (information system of the state specialized supervision) which records the individual performances, issued decisions, ascertained faults, violations of legal regulations, imposed sanctions, etc.

7,547 organizations and 2,644 business individuals were supervised in 2000. Home workers are not subject to the supervision of the state specialized supervision. In 2000, the supervision was executed in the entities of all sizes, however, it was mainly aimed at small and medium size enterprises. Category between 11 and 24 insured employees (12.75%) and category between 25 and 49 (11.80%) insured employees were represented the most.

In 2000 the total of 4,460,630 employees were subjected to the supervision in the field of BOZP of the bodies of the state specialized supervision (i.e. IBP and ČÚBP without the state specialized supervision executed by the Czech Mining Office) coming from sectors falling under their competence.

In 1999 13,311 inspections were carried out, and in 2000 the number of the carried out inspections was 12,378. For more detail see the following chart.

Number of performances carried out by the inspectorates of occupational safety

Performances (inspections and investigations)	**1999**	**2000**
Inspections of organizations and enterprising individuals ČÚBP tasks	5 654	3 653
Inspections of organizations and enterprising individuals IBP planned tasks	6 445	7 836
Inspections of organizations and enterprising individuals Other IBP tasks	610	405
Investigation of the causes of injuries resulting in death	152	133
Investigation of the causes of serious injuries	350	273
Investigation of the causes of the collective injuries	16	10
Investigation of the causes of other injuries	60	36
Investigation of the causes of operational accidents (disasters)	21	29
Investigation of the causes of the faults of technical equipment	3	3
Inspections and investigations – in total	13 311	12 378

According to the provision of the Article 3 of the Act on the State Specialized Supervision the state special supervision is authorized to execute supervision at all legal entities and all individuals engaged in business activity with the exception of:

- activities, workplaces and technical facilities which, in accordance to special regulations, are subjected to the supervision of the bodies of the state mining administration (mines, quarries, production and use of explosives);
- technical equipment subject, in accordance to special regulations, to the supervision in the sector of the national defense, transportation and telecommunications, and the selected entities of the Ministry of Interior (all entities are selected);
- technical equipment prior to its introduction to the market, if they are designated for the conformity assessment (the competence of the Czech Commercial Inspection).

About 200,000 employees of the total number of employees in the CR are not subjected to the competence of the state specialized supervision of the work safety, and belong under the supervision of the bodies of the state mining administration, the Ministry of Defense and the Ministry of Interior.

Act No. 61/1988 Coll., on the Mining Activity, Explosives and on the State Mining Administration defines the competence of the **bodies of the state mining administration.** The bodies of the state mining administration are the Czech Mining Officeas the central body of the state mining administration and 9 district mining offices. The competence of the bodies of the state mining administration entails the performance of the supervision of the observance of the Act No. 44/1988 Coll., on the Protection and Utilization of Mineral

Resources, the Act on the Mining Activity and regulations issued based on them and other generally binding statutory provisions, regulating the safety and health protection at work, safety of the technical equipment, fire protection in underground and working conditions within organizations, as long as they carry out mining activity or activity carried out in the mining manner and during the production of explosives and the use of explosives for blasting work and fireworks.

The bodies of the state mining administration are within the framework of the exercise of their powers empowered to **assign measures** in order to assert the safety and health protection at work and safety of operation, and for this purpose to organize, manage and carry out special inspections, to **supervise** the situation, organization and equipment of the main and regional mining rescue stations, to **permit** the individual kinds of explosives for the first use in risk conditions and within a risk environment, to **prepare** in cooperation with the main hygienist the concept of safety and health protection in mining activity in mines, after consultation with the organizations representing the employers and employees in concern, who participate in its realization, to **ascertain** a situation, causes and consequences of serious operational accidents and serious industrial injuries in organizations, as well as serious threat to the safety of the operation of an organization and of the public interest protected by law, especially the safety and health protection at work, to **record** data on industrial injuries, operational accidents and dangerous events and to **order** the correction of ascertained faults and shortcomings, to **provide** free consultation services to employers and employees, as how to meet the regulations on the assurance of work safety and of technical equipment safety. The Czech Mining Office, within the scope of its competence, assures the adequate safety standard also by issuing legal regulations.

Specified tasks, in the field in concern, are also assigned to the **bodies of the public health protection.** The Act No. 258/2000 Coll., on the Protection of the Public Health, defines as bodies of the protection of public health the Ministry of Health, regional hygienists, district hygienists, the Ministry of Defense and the Ministry of Interior.

District hygienists are established to be the special bodies of the district authorities; they execute the administration within the administration districts of the district authorities. The district hygienists are also authorized to:

- execute the state medical supervision of observance of the prohibitions and of the meeting of other duties stipulated by the Act on the Protection of the Public Health and by special legal regulation on the health protection at work from risks arising from physical, chemical and biological factors of the working conditions, from adverse micro-climatic conditions, and from the physical and mental load an of associated conditions including the equipment at the workplaces,
- determine for the employer for the performance of risk work the minimum extent and terms for monitoring of the working conditions factors and the terms and the minimum contents of the initial, periodic, output and subsequent preventive medical check ups of the individuals who perform risk work, if they are not stipulated by a special legal regulation,
- carry out the verification of the conditions of the occurance of diseases for the purposes of assessment of occupational diseases,
- perform the state medical supervision of meeting the duties of providing a company preventive health care assigned by a special legal regulation and of meeting the duties of the employer as for providing the establishments of the company preventive care with information necessary for the health protection at work.

For the non-fulfillment or violation of the duties stipulated by this Act the body of the public health protection, authorized to perform the state medical supervision, will impose to

an individual during his business activity or to a legal entity a fine of up to 2,000,000 CZK. If a damage arose to the health of individuals by the act of non-fulfillment or violation of the duties, the body can impose a fine up to the amount of 3,000,000 CZK.

The field of **fire supervision** in the area of BOZP is regulated by the Act No. 133/1985 Coll., on Fire Protection, and the implementing Ministry of Interior Notification No. 246/2001 Coll., on Determining Conditions of Fire Safety And the Execution of the State Fire Supervision (Notification on the Fire Prevention). These statutory provisions define the duties of the legal entities and enterprising individuals.

The Act on Fire Protection embodies, for instance, the duty of procuring and securing in necessary volume and assortment the fire technology, of creating conditions for extinguishing fires and for rescue work, of meeting the technical conditions and instructions for use relating to fire safety of products or activities, of designating workplaces and other places with the appropriate safety signs, orders, prohibitions, instructions relating to fire protection, of regular inspection by a qualified person the meeting of the regulations on fire protection and without any delay eliminating the faults ascertained, announcing the territorially relevant operational center of fire rescue brigade about each fire arisen during activities operated by them or on premises that they own or utilize, without any delay. The Notification on Fire Protection deals with the duties of legal entities and enterprising individuals in more detail, in particular with respect to the equipment of the premises, the manner of creating conditions for extinguishing of the fires and for rescue work, terms and manner of carrying out the regular inspections of adhering to the regulations on fire protection, the procedure for providing products and samples for the fire technical expertise, employees' training on fire protection, etc.

Provision of Article 76 and following provisions of the quoted act enable to impose, for the non-fulfillment of the legal regulations in the area to legal entities and enterprising individuals, fines, the scaled amount of which depends on the severity of the violation.

Question B

Please describe the system of civil and penal sanctions guaranteeing the application of health and safety regulations and also provide information on violations committed:
a. the number of violations;
b. the sectors in which they have been identified;
c. the action, including judicial, taken in this respoct

Civil or penal statutory provisions, in general, do not relate to the violation of the statutory provisions on the assurance of safety and health protection. The application of Act No. 140/1961 Coll., the Criminal Code comes into consideration only in cases when, in association with the violation of these provisions, a serious consequence arose – damage to health. The provisions of Article 223, or Article 224 of the Criminal Code relate to cases when a person, due to negligence, causes damage to the health of another persons (or as the case may be causes the death of another person) violating an important duty arising from the person's employment, occupation, position or a function or a duty assigned to the person by law, or by seriously violating the regulations on work safety or the hygienic regulations.

The civil regulations cannot be applied within the Czech labor law, because the labor law is drawn up as an independent legal branch. Due to this reason, for instance, the regulation dealing with the liability of the employer for the industrial injuries, is contained in the Labor Code. The liability of the employer, in these cases, is built on the principle of liability for the result and is therefore also applied in the case (providing that there are no

conditions for liberation) when the employer met the duties arising from legal and other regulations on the assurance of the safety and protection of health at work.

From the reviews carried out by the bodies of the state specialized supervision it arises, that 119,537 faults (see table) were ascertained in 2000. These represented the violations of regulations relating to the assurance of work safety and technical equipment safety and of regulations determining the working conditions. In the year 2000, 583 fines were imposed for these violations of which 379 fines were imposed in relation to the reviews, and 204 fines as a result of a causal relation to the investigation of an industrial injury, accident, breakdown of technical equipment or the technical causes of industrial poisoning or occupational diseases. A further 37 fines were imposed to employees of organizations and business individuals and 319 fines were imposed on the spot. When comparing the number of faults ascertained during reviews for the last 5 years, in the area of the violation of regulations relating to the assurance of work safety and technical equipment safety and of legal regulations determining the working conditions, it arises that this number has been decreasing only slowly in the individual years. In 1996 122,452 faults were ascertained, in 2000 there were 119,537 faults.

The highest number of cases of the violation of regulations was ascertained in the construction, agriculture and wholesales (for more detailed data see the table attached).

As part of the activity of the state specialized supervisory bodies, measures were adopted in accordance to Act No. 174/1968 Coll., on the State Specialized Supervision of the Work Safety. These measures were, in particular, the decisions on the faults elimination, on putting machinery and equipment out of operation, the prohibitions to use facilities, technologies and activities in case they pose a threat to a life or health of employees, the prohibitions of work performed in conflict with the regulations determining the working conditions and the imposing of fines.

The legality of most of the decisions, issued by the state specialized work safety supervisory bodies, can be reviewed by an independent court.

Number of faults

Year	1996	1997	1998	1999	2000
Number of Faults	122 452	122 952	135 269	116 351	119 537

Number of violations, in accordance to the regulations, in 2000

Number of the regulation	Name of the Regulation	Number
101/1995 Coll.	Order of the medical and professional qualifications at the Railroads	18
102/1995 Coll.	Approving the technical roadworthiness of motor vehicles	36
108/1976 Coll.	European agreement on the work the motor vehicles crews, in the international road transport	54
108/1979 Coll.	Amendments to the implementing Notification for the Act on Social Security	1
108/1994 Coll.	Implementing the Labor Code and other acts	6
110/1975 Coll.	Records and registration of industrial injuries and the reporting of accidents	744
111/1981 Coll.	Chimney sweeping	35
111/1994 Coll.	Road transportation	119
12/1995 Coll.	Assuring work safety and safety of operation at storage establishments	808
12/1997 Coll.	Safe and smooth operation of ground communications	5
125/1982 Coll.	Determination of requirements for the assurance of safety in working with lasers	12
132/1998 Coll.	Implementing several provisions of the Building Code	12
147/1996 Coll.	Phytological care	1
157/1998 Coll.	Chemical substances and preparations	1
170/1997 Coll.	Determining technical requirements for machinery	9
173/1995 Coll.	Determining the issuing transport order of railroads	59
174/1968 Coll.	The state specialized supervision of work safety	399
177/1995 Coll.	Issuing the building and technical order of railroads	122
18/1979 Coll.	Determination of designated pressure equipment and its safety conditions	49
18/1987 Coll.	Determining the requirements for the protection from explosions of combustible gases	131
187/1994 Coll.	Implementing the act on road transport	4
19/1979 Coll.	Determining designated elevating equipment and conditions for its safety	20
20/1966 Coll.	The People’s Health Care	30

20/1979 Coll.	The determination of designated electrical equipment and the conditions for its safety	121
200/1990 Coll.	Transgressions	2
204/1994 Coll.	Providing personal protective working aids, washing agents and cleaning detergents	5947
21/1978 Coll.	The correction of typographical errors in the Notification of the Ministry of Foreign Affairs No. 110/1976 Coll.	9
21/1979 Coll.	The determination of designated gas equipment and the conditions for its safety	400
213/1991 Coll.	Work safety and technical equipment safety during the operation of vehicles	1609
222/1994 Coll.	Conditions for the enterprise and execution of the state administration in the energy industry	3
261/1997 Coll.	Work and workplaces forbidden to women and minors	13
266/1994 Coll.	Railroads	18
274/1990 Coll.	Amendment to the guidelines on the records and registration of industrial injuries	168
324/1990 Coll.	Work safety and technical equipment safety during construction building	3770
37/1989 Coll.	Protection from alcoholism and other drug addictions	1
38/1995 Coll.	Technical conditions of the operation of road vehicles on ground communications	4
42/1985 Coll.	Safety of work with power chain saws	588
48/1982 Coll.	Basic requirements for the assurance of work safety and technical equipment safety	51268
50/1976 Coll.	Town and country planning and the building order (building code)	2
50/1978 Coll.	Professional qualifications in electrical engineering	413
55/1991 Coll.	Enhancing the professional qualifications of the drivers of road motor vehicles	40
65/1965 Coll.	Labor Code	49820
77/1965 Coll.	Training, qualifications and registration of attendance to construction machinery	10
84/1997 Coll.	Regulating the registration of products for the protection of plants	3
85/1977 Coll.	Conditions for the commencement of building constructions and their registration and records	1
85/1978 Coll.	The Inspections, reviews and tests of gas equipment	1029
87/1964 Coll.	Driving licenses	23
87/1987 Coll.	Veterinary care	1
91/1993 Coll.	The assurance of work safety in low pressure boiler rooms	1503
LP/1-265-19.5.70	The assessment of health fitness to work	14
VII/2-1927	Rules for work safety raising animals	11
VII/2-478	Rules of safety and health protection during work with machines	71
Total		119537

Ascertained violations of regulations according to the OKEC-numbers of faults

OKEČ	YEAR	**2000**
10000	Agriculture, game keeping and associated activities	11374
20000	Forestry, wood mining and associated activities,	2753
50000	Fishery, fish farming, and associated activities	65
100000	Mining bituminous, brown coal, and peat	278
110000	Mining petroleum, natural gas, bituminous rock and associated activities	24
120000	Mining and processing of uranium and thorium ores	5
130000	Mining and processing of other ores	27
140000	Mining and processing of other minerals	83
150000	Production of food and beverages	6825
160000	Tobacco processing	28
170000	Textile industry	2285
180000	Clothing industry, processing and dying of furs	529
190000	Tanning and processing of leather, production of baggage and saddlery products and shoes	317
200000	Wood and cork processing industry, except for production of furniture, and basket making	4162
210000	Production of pulp, paper and cardboard	714
220000	Publishing, printing and reproduction of sound and picture recordings	540
230000	Coking, refinery processing of petroleum, and production of atomic fuels	29
240000	Production of chemical products	1392
250000	Production of rubber and plastic products	1167
260000	Production of other non-metal mineral products	4771
270000	Production of metals, including metallurgical processing	1769
280000	Production of metal constructions and metal-working products, excluding machinery production	7492
290000	Machinery and equipment production	3904
310000	Production of electric machinery and devices, not presented otherwise	1294
320000	Production of radio, television and communication equipment and devices	212
330000	Production of medical, precision, optical, and time meter devices	350
340000	Production of two-track motor vehicles, trailers and semi-trailers	500
350000	Production of other transport equipment	405
360000	Production of furniture; other processing industry	3057
370000	Processing of secondary raw materials	514
400000	Production and supply of electricity, gas, steam, and warm water, and cooling production	1692
410000	Production and supply of water	465
450000	Building industry	14650
500000	Sales, maintenance and repairs of motor vehicles, and sales of fuels	4521
510000	Wholesale and mediation of wholesale, excluding motor vehicles	8283
520000	Retail and repairs of consumer goods, excluding motor vehicles	7832

550000	Catering and accommodation	4086
600000	Land transportation; transportation by pipelines	3379
610000	Transportation by water	54
620000	Transportation by air and space transportation	62
630000	Secondary and auxiliary activity in transport; activities of travel agencies	962
640000	Postal and telecommunication activities	437
650000	Financial services	203
660000	Insurance, excluding social security	21
670000	Activities associated with loans and insurance	150
700000	Activities in real estate	1281
710000	Leasing of machinery and devices, without the attendance staff, and leasing of goods	236
720000	Data processing and associated activities	79
730000	Research and development	258
740000	Services predominantly for companies	2906
750000	Public administration and defense, social security	2566
800000	Education	1698
850000	Health care, veterinary care and social work	3006
900000	Disposal of waste water and waste, and municipal sanitation	2938
910000	Activities of social organizations	28
920000	Recreation, culture and sport	468
930000	Other services	411
	In total	119537

Types of decisions on the ascertained faults in 2000

Code	Title	Number of decisions
0	Decision not issued – faults eliminated	34041
1	Decision not issued – guarantee for elimination of faults	15756
20	Decision for elimination of faults	68851
21	Decision for putting machinery and equipment out of operation	412
22	Prohibition of the utilization of production and operational facilities	49
23	Prohibition of technologies	45
24	Prohibition of activities	130
25	Prohibition of overtime work (excluding minors)	253
26	Prohibition of overtime work of minors	6
31	Prohibition of other work prohibited to women and minors	18
	Total decisions	119537

Fines imposed by the inspectorates of work safety

Fines	1999	2000
Fines to organizations and business individuals - number	755	583
Fines to organizations and business individuals – amount in CZK	12 330 500	12 378 500
Of which the following violations of regulation were ascertained during reviews – number	534	379
Of which the following violations of regulations were ascertained during reviews – amount in CZK	5 399 500	4 432 500
Of which the following violations of regulations occurred in causal association to work injury, accident, breakdown of technical equipment, or to technical causes of industrial intoxication and occupational diseases – number	221	204
Of which the following violations of regulations occurred in causal association to work injury, accident, breakdown of technical equipment, or to technical causes of industrial intoxication and occupational diseases – amount in CZK	6 931 000	7 946 000
Fines to employees of organizations and of business individuals – number	29	37
Fines to employees of organizations and of enterprising individuals – amount in CZK	150 500	241 200
On the spot fines with a given receipt – number	306	319
On the spot fines with a given receipt – amount in CZK	148 200	153 100

The system of sanctions for the violation of statutory provisions in the field of safety and protection at work, is also embodied in Act No. 61/1988 Coll. (provision of Article 44

and the following provisions). The authorities of the state mining administration can, for the violation of regulations including regulations on the assurance of BOZP, impose a fine of up to the amount of 1,000,000 CZK to an organization. If the organization does not correct the shortcomings within the determined time period, the authorities can impose a fine of up to double of the imposed fine. A fine of up to 50,000 CZK can be imposed to an employee of an organization, who by his fault violated important duties arising from the relevant legal regulations. A fixed penalty up to the amount of 2,000 CZK can be imposed on an employee.

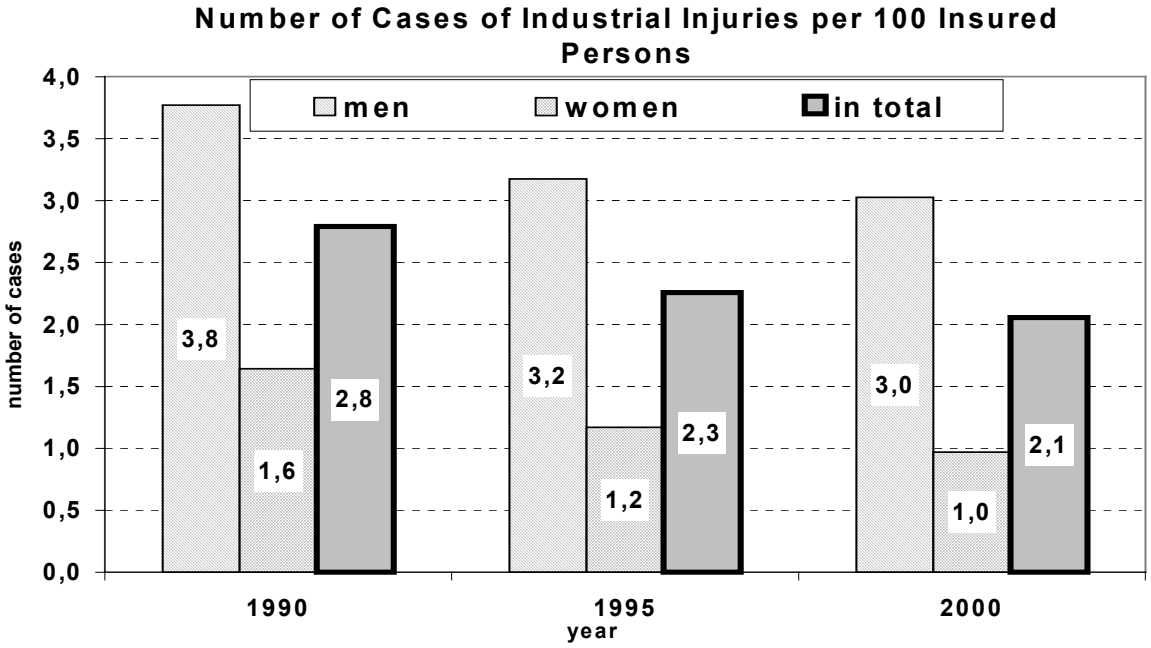
In 2000, the district mining authorities imposed the total amount of 674,400 CZK as fines on the spot (as opposed to 250,250 CZK in 1999), the other fines amounted in total to 6,003,000 CZK (as opposed to 2,188,500 CZK in 1999).

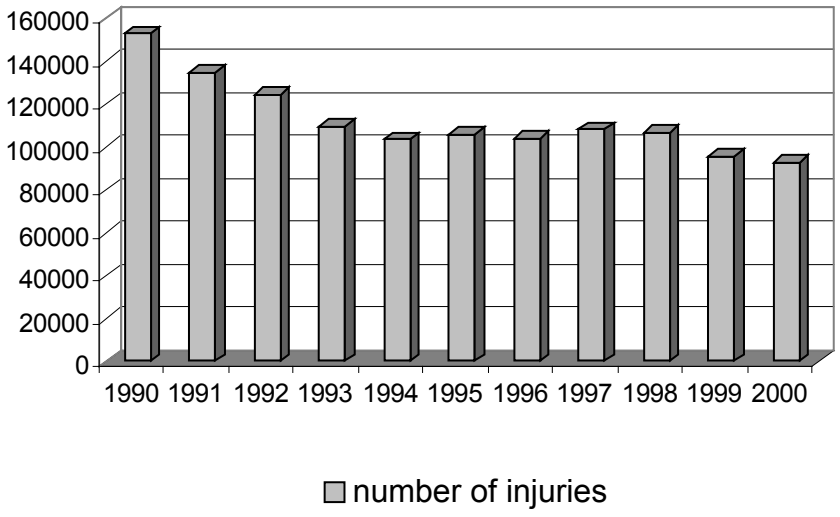
Question C

Please provide statistical information on occupational accidents, including fatal accidents, and on occupational diseases by sectors of activity specifying what proportion of the labour force is covered by the statistics. Please describe also the preventive measures taken in each sector.

Statistical data relating to the industrial injuries and occupational diseases are presented in the following tables and diagrams.

In the area subjected to the inspection of the Czech Mining Office, there were in total 2,534 injuries in 2000, of which 9 were fatal. As opposed to 1999 when there were 3,063 industrial injuries, of which 12 were fatal, a considerable decrease in the number of industrial injuries was registered. The higher number of inspections carried out (7,452 in 2000, as opposed to 6,748 in 1999) probably contributed to this.


Number of Cases of Industrial Injuries per 100 Insured Persons
men
women
in total
number of cases
4,0
3,5
3,0
2,5
2,0
1,5
1,0
0,5
0,0
3,8
1,6
2,8
3,2
1,2
2,3
3,0
1,0
2,1
1990
1995
2000
year


160000
140000
120000
100000
80000
60000
40000
20000
0
1990 1991 1992 1993 1994 1995 1996 1997 1998 1999 2000
number of injuries

Development of work incapacity (PN) indicators in 1990 – 2000, in the CR

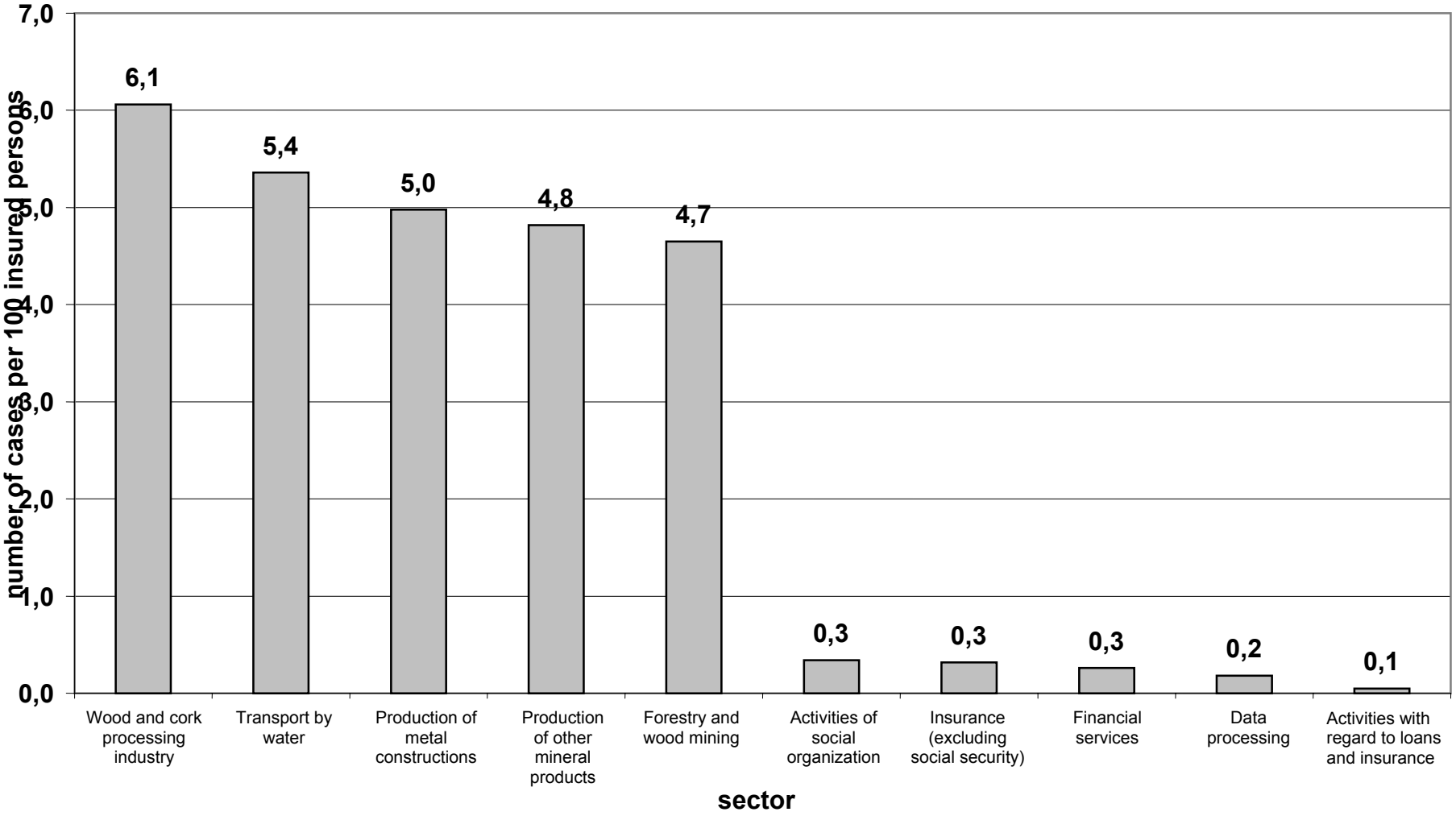
Industrial injuries

	Number of fatal industrial injuries			Average number of insured persons			Average % PN		
Year	men	women	total	men	women	total	total	Perc.	proportion
1990	352	26	378	2 965 458	2 522 570	5 488 028	4,80	0,22	4,48
1995	239	18	257	2 555 301	2 152 850	4 708 151	6,15	0,22	3,62
1996	227	24	251	2 483 615	2 120 000	4 603 615	6,05	0,23	3,83
1997	214	23	237	2 601 745	2 232 086	4 833 831	6,25	0,24	3,80
1998	193	15	208	2 570 663	2 213 819	4 784 482	5,82	0,23	4,03
1999	182	9	191	2 431 210	2 147 478	4 578 688	5,95	0,23	3,80
2000	214	9	223	2 389 680	2 127 866	4 517 546	6,46	0,23	3,54

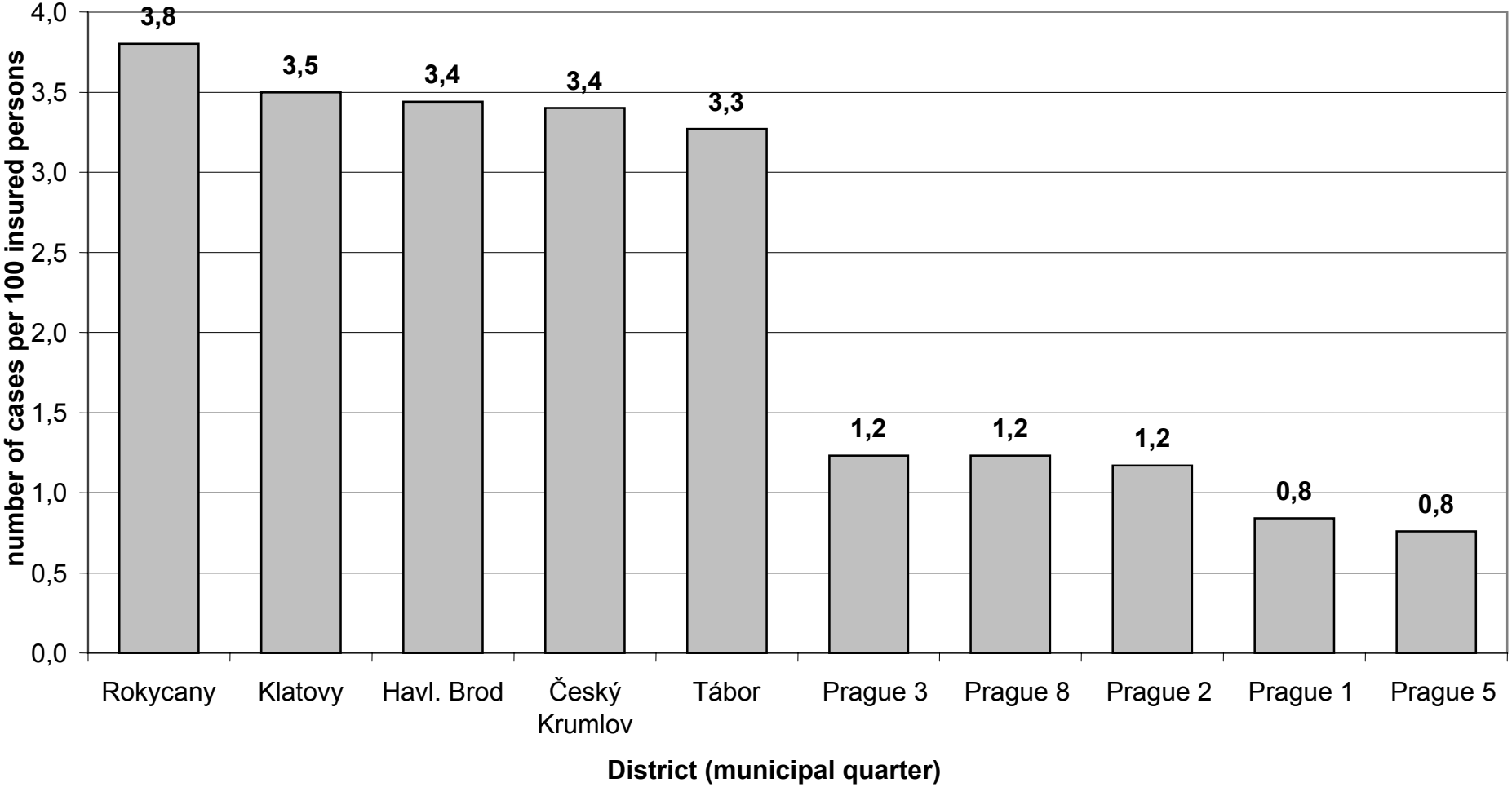
	Number of newly reported cases of PN			Calendar days of PN			Number of cases per 100 insured persons		
	For industrial injuries								
Year	men	women	total	men	women	total	men	women	total
1990	111 776	41 423	153 199	3 173 184	1 136 360	4 309 544	3,77	1,64	2,79
1995	81 097	25 178	106 275	2 893 756	935 320	3 829 076	3,17	1,17	2,26
1996	79 697	24 591	104 288	2 943 304	960 529	3 903 833	3,21	1,16	2,27
1997	84 833	23 871	108 704	3 194 533	992 621	4 187 154	3,26	1,07	2,25
1998	84 264	22 911	107 175	3 160 856	936 411	4 097 267	3,28	1,03	2,24
1999	74 464	21 507	95 971	2 889 991	891 354	3 781 345	3,06	1,00	2,10
2000	72 297	20 609	92 906	2 920 247	860 607	3 780 854	3,03	0,97	2,06

	Average % PN			Number of days PN per case			Average daily number of employees incapable of work		
	For industrial injuries								
Year	men	women	total	men	women	total	men	women	Tota;
1990	0,293	0,123	0,215	28,39	27,43	28,13	8 694	3 113	11 807
1995	0,310	0,119	0,223	35,68	37,15	36,03	7 928	2 563	10 491
1996	0,324	0,124	0,232	36,93	39,06	37,43	8 042	2 624	10 666
1997	0,336	0,122	0,237	37,66	41,58	38,52	8 752	2 720	11 472
1998	0,337	0,116	0,235	37,51	40,87	38,23	8 660	2 566	11 225
1999	0,326	0,114	0,226	38,81	41,44	39,40	7 918	2 442	10 360
2000	0,334	0,111	0,229	40,39	41,76	40,70	7 979	2 351	10 330

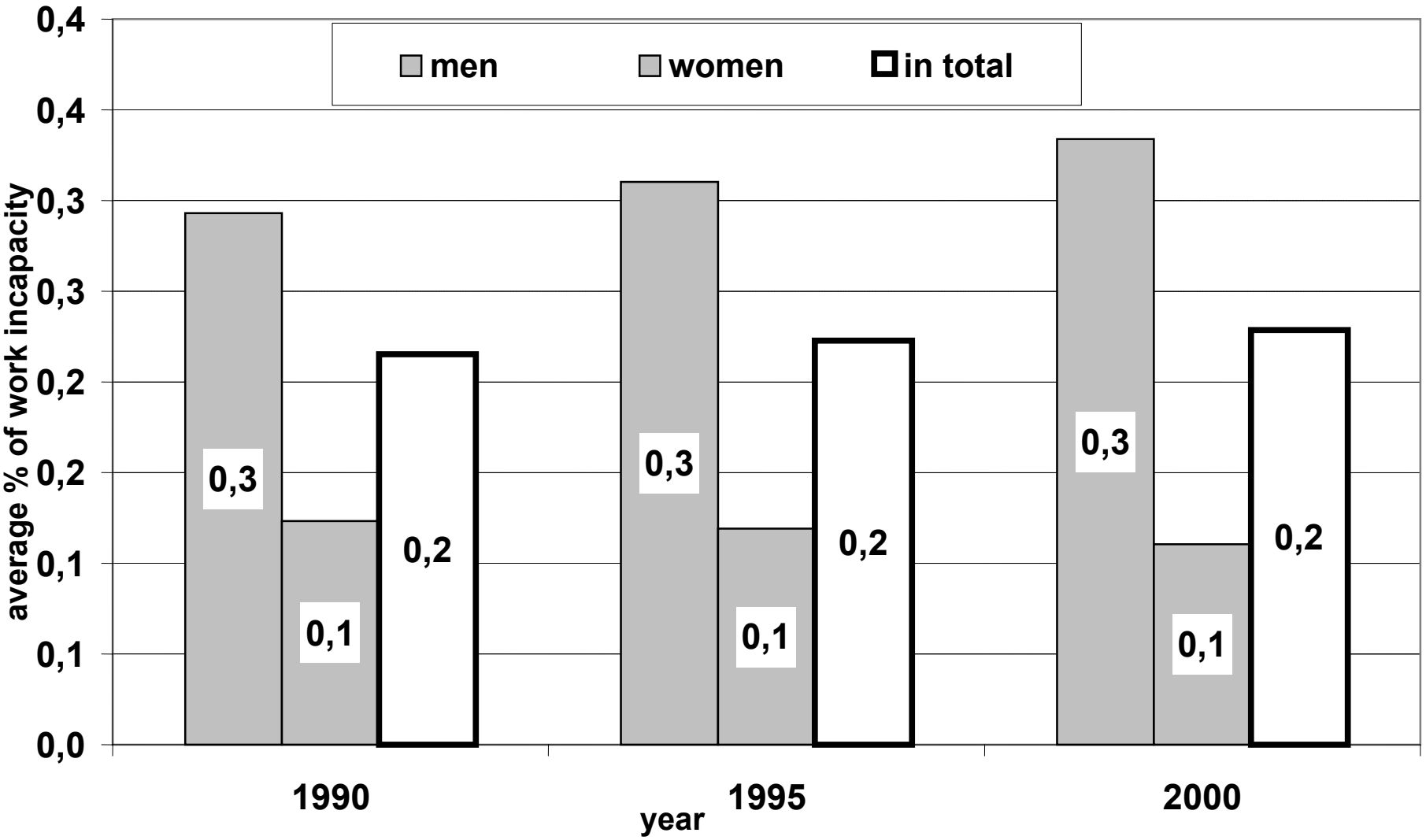
Sectors with the Highest and the Lowest Number of Reported Industrial Injuries per 100 Insured Persons (in 2000)



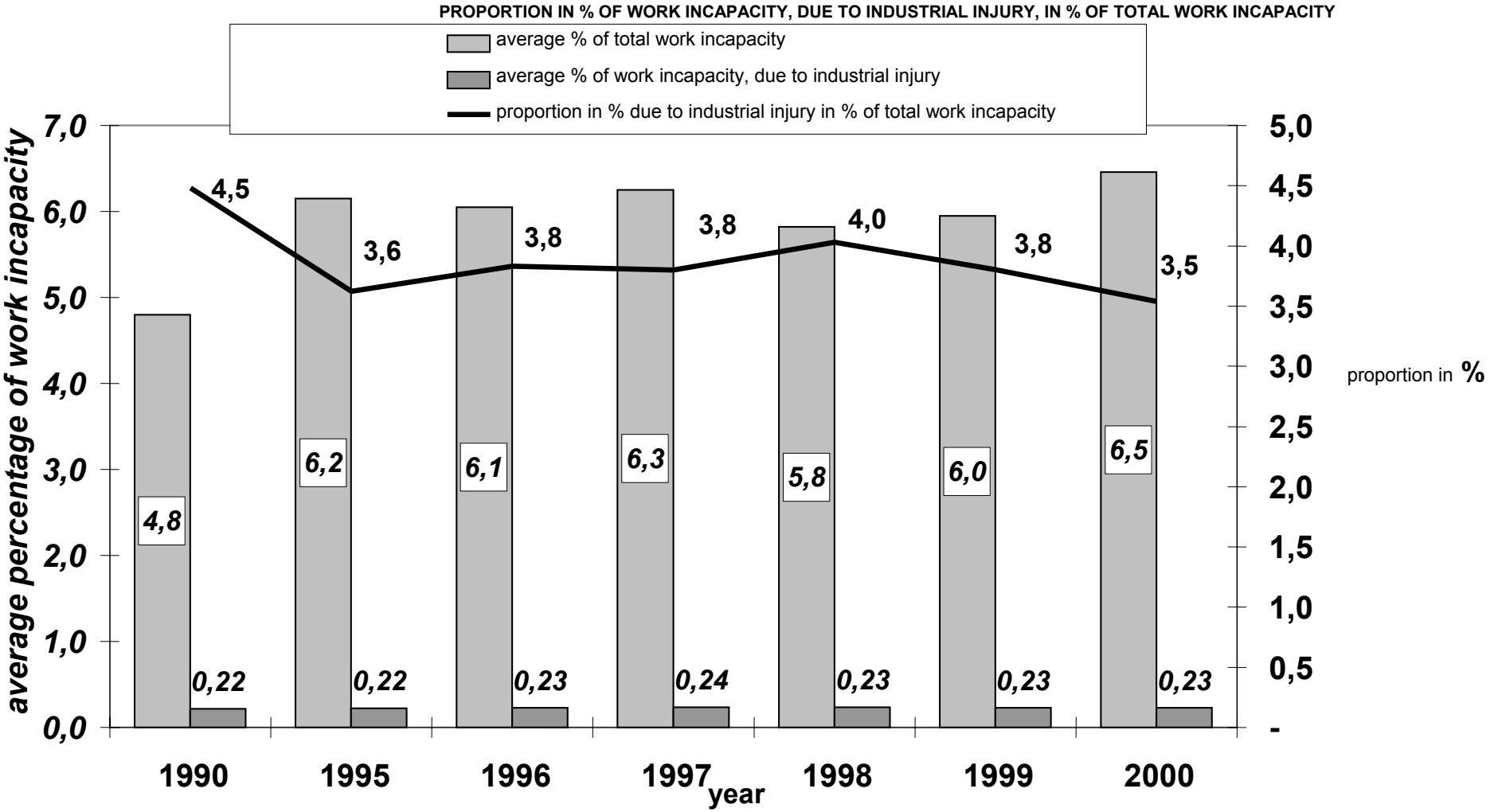
Districts with the Highest and the Lowest Number of Reported Industrial Injuries per 100 Insured Persons (in 2000)



Average Percentage of Work Incapacity due to a Disease and Injury

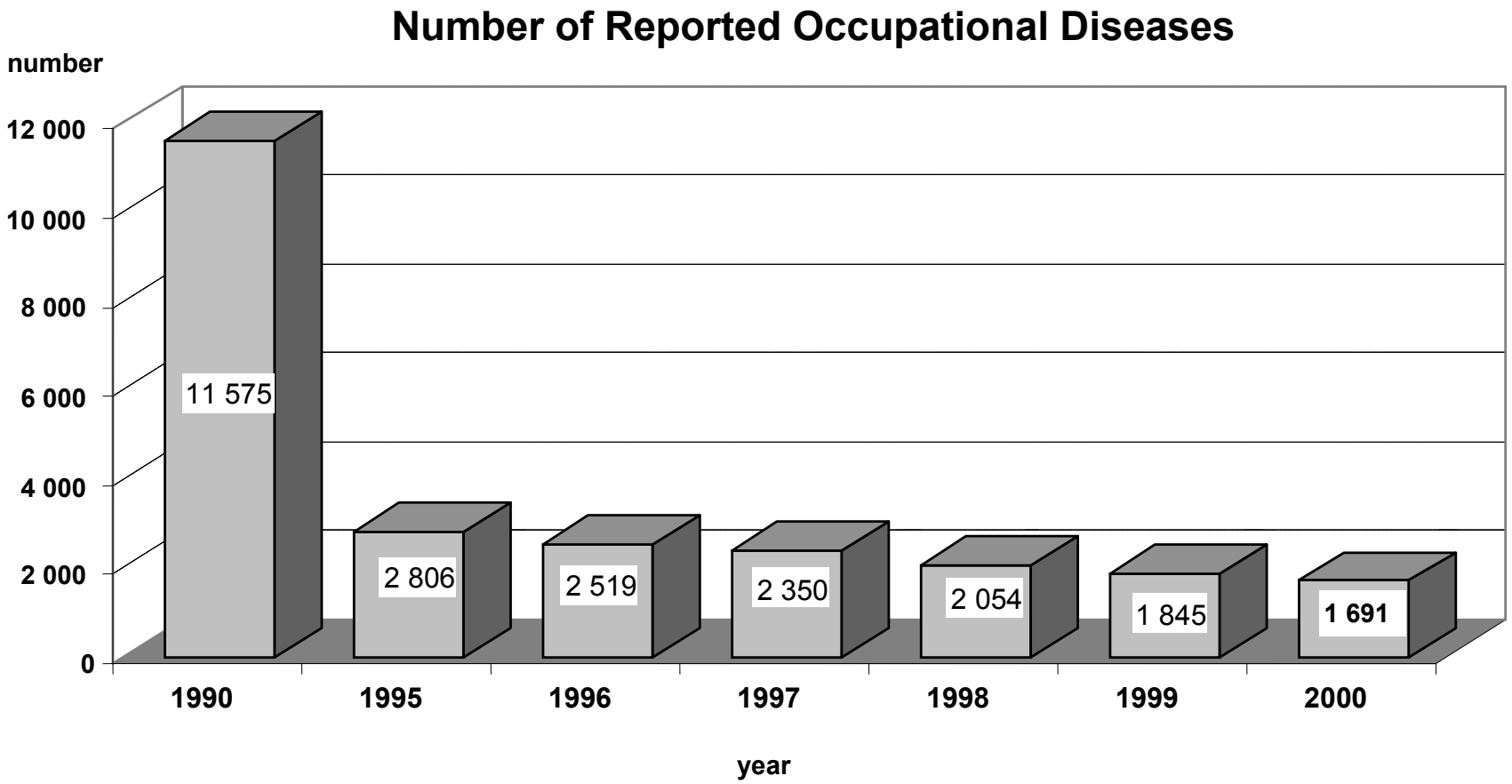


Average Percentage of Work Incapacity



Number of industrial injuries and the number of work incapacity days due to an industrial injury in 1990-2000

	1990	*1991*	*1992*	*1993*	*1994*	*1995*	*1996*	*1997*	*1998*	*1999*	*2000*
Number of industrial injuries	153 199	134 932	124 655	109 908	103 949	106 275	104 288	108 704	107 175	95 971	92 906
Number of sick days due to industrial injury	4 309 544	4 032 086	3 771 240	3 655 633	3 661 217	3 829 076	3 903 833	4 187 154	4 097 267	3 781 345	3 780 854
Number of work incapacity days falling per industrial injury	28,1	29,9	30,3	33,3	35,2	36,0	37,4	38,5	38,2	39,4	40,7
Inter-annual index of growth of the previous indicator		1,06	1,01	1,10	1,06	1,02	1,04	1,03	0,99	1,03	1,03


Number of Reported Occupational Diseases
number
12 000
10 000
8 000
6 000
4 000
2 000
0
11 575
2 806
2 519
2 350
2 054
1 845
1 691
1990
1995
1996
1997
1998
1999
2000
year

Development of reported occupational diseases (NzP) in 1990-2000								
	Occupational diseases	Year						
Chapter		1990	1995	1996	1997	1998	1999	2000
I.	**NzP caused by chemical substances**	127	60	77	62	54	45	31
II.	**NzP caused by physical factors**	2 953	1 063	915	1 000	785	697	647
	Of which the following relate to : hearing disorder caused by noise	676	80	55	65	55	57	40
	Diseases from vibrations	1 410	509	503	457	354	282	268
	Diseases from long-term excessive	814	460	345	464	369	347	317
	One-sided load							
	Other NzP	53	14	12	14	7	11	22
III.	**NzP – relating to respiratory organs, lungs,**	7 077	616	539	470	387	374	359
	pleura and peritoneum							
	Of which the following relate to: pneumoconioses caused by breathing in SiO_2	6 897	466	357	280	246	228	208
	Diseases of lungs, pleura or	6	24	18	20	19	23	14
	Peritoneum caused by asbestos							
	CA of lungs from radioactive substances	75	55	67	45	27	29	35
	Exogenous allergic alveolitis	12	6	4	10	4	4	5
	asthma bronchiale including allergic	86	65	83	104	87	79	91
	Diseases of the upper respiratory organs							
	Other NzP	1		10	11	4	11	6
IV.	**Skin NzP**	**750**	**552**	**490**	**452**	**360**	**416**	**363**
V.	**Infectious and parasitic NzP**	**657**	**506**	**488**	**362**	**459**	**310**	**287**
	Of which the following relate to : infectious and parasitic diseases	361	288	307	217	344	221	201
	Diseases transmittable from animals to people	212	175	160	132	96	85	77
	Tropical infectious and parasitic diseases	84	43	21	13	19	4	9
VI.	**NzP caused by other factors**	**11**	**9**	**10**	**4**	**9**	**3**	**4**
	Number of occupational diseases in total	**11 575**	**2 806**	**2 519**	**2 350**	**2 054**	**1 845**	**1 691**
	Those endangered by the occupational diseases			24	26	57	41	60
	Number of professional diseases in total	**11 575**	**2 806**	**2 543**	**2 376**	**2 111**	**1 886**	**1 751**

Indicators of the industrial injury rate in the CR in 2000, according to OKEČ sectors

**PÚ – industrial injuries, PN – work incapacity*

The statistical data on the industrial injuries rate, presented in this table represent the total data on the industrial injury rate in the CR (i.e. including the industrial injury rate, the survey of which is within the competence of the Ministry of Interior, Ministry of Defense and the Czech Mining Office).

OKEČ sector	INSURED PERSONS	**Number of PÚ cases**	**PN days**	**Number of cases per 100 insured persons**	**Average percentage of PN**	**The average length of duration**
Agriculture, game keeping	134 543	6 085	256 692	4,52	0,521	42,18
Forestry, and wood extraction	30 064	1 398	63 396	4,65	0,576	45,35
Fishery, and fish farming	1 697	54	2 053	3,18	0,331	38,02
Mining coal and peat	45 822	1 638	158 389	3,57	0,944	96,70
Mining uranium and thorium ores	3 572	49	5 467	1,37	0,418	111,57
Other mining and processing	7 525	345	13 073	4,58	0,475	37,89
Production of food and tobacco processing	118 085	4 874	170 306	4,13	0,394	34,94
Textile industry	62 899	1 915	69 021	3,04	0,300	36,04
Clothing industry, processing of furs	39 011	561	19 101	1,44	0,134	34,05
Production of leather and baggage	18 862	320	12 639	1,70	0,183	39,50
Wood processing industry (excluding furniture production)	29 934	1 813	70 933	6,06	0,647	39,12
Pulp, and paper production	19 105	662	27 777	3,47	0,397	41,96
Publishing and printing	23 011	325	11 998	1,41	0,142	36,92
Coking, and processing of petroleum	3 597	37	2 066	1,03	0,157	55,84
Production of chemical products	40 027	751	32 984	1,88	0,225	43,92
Production of rubber and plastic products	45 563	1 582	56 624	3,47	0,340	35,79
Production of other mineral products	65 697	3,169	100 525	4,82	0,418	31,72
Production of metals, and metallurgic processing	74 350	3 314	135 837	4,46	0,499	40,99
Production of metal constructions	101 864	5 075	176 946	4,98	0,475	34,87
Machinery and equipment production	129 110	5 044	170 213	3,91	0,360	33,75
Production of office machinery and computers	2 706	42	1 490	1,55	0,150	35,48
Production of electric machinery and devices	76 565	1 876	61 860	2,45	0,221	32,97
Production of radio and television equipment	27 726	433	14 897	1,56	0,147	34,40
Production of medical devices and time meters	20 993	372	12 625	1,77	0,164	33,94
Production of motor vehicles	73 988	1 945	63 328	2,63	0,234	32,56
Production of other transport equipment	21 448	677	24 706	3,16	0,315	36,49
Production of furniture and other industry	60 060	2 179	75 274	3,63	0,342	34,55
Processing of secondary raw materials	3 292	115	5 389	3,49	0,447	46,86
Production and supply of	48 772	456	20 965	0,93	0,117	45,98

electricity and gas						
Production and supply of water	22 024	417	19 023	1,89	0,236	45,62
Building industry	172 289	6 871	313 378	3,99	0,497	45,61
Sales and maintenance of motor vehicles	27 818	672	22 589	2,42	0,222	33,61
Wholesale (Excluding motor vehicles)	99 042	1 601	62 960	1,62	0,174	39,33
Retail (excluding motor vehicles)	129 672	2 979	103 303	2,30	0,218	34,68
Catering and accommodation	40 668	1 029	34 478	2,53	0,232	33,51
Land transportation and transportation by pipelines	160 751	3 576	168 236	2,22	0,286	47,05
Transportation by water	1 492	80	4 082	5,36	0,748	51,03
Transportation by air and space transportation	4 963	97	3 676	1,95	0,202	37,90
Secondary and auxiliary activity in transportation	26 548	410	19 041	1,54	0,196	46,44
Postal and telecommunications activities	78 883	1 177	53 229	1,49	0,184	45,22
Financial services	55 085	145	5 374	0,26	0,027	37,06
Insurance (excluding social security)	17 883	58	3 863	0,32	0,059	66,60
Activities with loans and insurance	1 869	1	247	0,05	0,036	247,00
Activities in real estate	33 745	285	12 214	0,84	0,099	42,86
Leasing of machinery and devices	3 125	59	2 737	1,89	0,239	46,39
Data processing and associated activities	16 107	29	2 372	0,18	0,040	81,79
Research and development	20 145	146	5 611	0,72	0,076	38,43
Services predominantly for companies	133 457	1 691	75 139	1,27	0,154	44,43
Public administration and defense	307 150	3 033	117 152	0,99	0,104	38,63
Education	200 027	1 090	48 689	0,54	0,067	44,67
Health care, veterinary care and social work	221 091	2 168	85 673	0,98	0,106	39,52
Waste disposal and municipal sanitation	22 910	808	31 107	3,53	0,371	38,50
Activities of social organizations	13 212	45	2 408	0,34	0,050	53,51
Recreation, culture and sport	49 588	441	18 785	0,89	0,104	42,60
Other services	6 621	115	4 589	1,74	0,189	39,90
Unascertained	1 321 493	16 777	724 325	1,27	0,150	43,17
CR	**4 517 546**	**92 906**	**3 780 854**	**2,06**	**0,229**	**40,70**

Division of the fatal industrial injuries in the CR, by the OKEČ sectors (1996-2000)

(the data only relate to fields that fall under the competence of the state specialized supervision of work safety)

Code	OKEČ sector	1996	1997	1998	1999	2000
A 01	Agriculture and game keeping	20	11	18	11	8
A 02	Forestry and wood extraction	11	12	6	9	13
B 05	Fishery and fish farming	-	-	-	-	-
C 10	Mining coal and peat	10	16	8	6	6
C 11	Mining petroleum and natural gas	-	-	-	-	-
C 12	Mining uranium and thorium ores	-	-	-	-	-
C14	Other mining and processing	1	3	1	3	3
D 15	Production of food and tobacco processing	9	9	8	4	9
D 17	Textile industry	1	3	6	2	1
D 18	Clothing industry and processing of furs	-	-	-	-	-
D 19	Production of leather and baggage	1	-	-	-	-
D 20	Wood processing industry (excluding furniture production)	5	4	1	6	3
D 21	Pulp and paper production	2	1	-	-	2
D 22	Publishing and printing	-	2	-	-	-
D 23	Coking, processing of petroleum	1	1	2	-	-
D 24	Production of chemical products	6	2	4	2	3
D 25	Production of rubber and plastic products	2	-	3	3	3
D 26	Production of other mineral products	3	5	4	2	4
D 27	Production of metals and metallurgic processing	13	5	5	5	9
D 28	Production of metal constructions	11	16	10	6	7
D 29	Machinery and equipment production	9	4	6	4	8
D 30	Production of office machinery and computers	-	-	-	-	-
D 31	Production of electric machinery and devices	2	6	3	4	3
D 32	Production of radio and televisions equipment	1	-	-	-	1
D 33	Production of medical devices and time meters	4	1	1	-	-
D 34	Production of motor vehicles	3	-	3	3	-
D 35	Production of other transport equipment	1	1	-	2	2
D 36	Production of furniture and other industry	2	-	-	2	3
D 37	Processing of secondary raw materials	1	3	2	1	-
E 40	Production and supply of electricity and gas	6	6	6	7	4
E 41	Production and supply of water	-	1	5	2	-
F 45	Building industry	66	70	72	47	47
G 50	Sales and maintenance of motor vehicles	3	7	5	1	2

G 51	Wholesale (excluding motor vehicles)	7	8	4	8	8
G 52	Retail (excluding motor vehicles)	6	6	6	1	4
H 55	Catering and accommodation	3	1	1	1	1
I 60	Land transportation and transportation by pipelines	24	23	19	24	31
I 61	Transportation by water	-	-	-	1	-
I 62	Transportation by air and space transportation	1	1	-	-	-
I 63	Secondary and auxiliary activity in transportation	5	4	3	5	8
I 64	Postal and telecommunication activities	3	7	1	-	3
J 65	Financial services	3	5	3	1	-
J 66	Insurance (excluding social security)	3	-	1	1	-
J 67	Activities with loans and insurance	-	-	-	-	-
K 70	Activities in real estate	1	2	-	1	2
K 71	Leasing of machinery and devices	1	-	-	-	-
K 72	Data processing and associated activities	-	1	1	-	4
K 73	Research and development	-	2	-	-	-
K74	Services predominantly for companies	8	16	10	3	11
L 75	Public administration and defense	5	10	2	8	6
M 80	Education	3	3	1	2	1
N 85	Health care, veterinary care and social work	3	3	1	4	3
O 90	Waste disposal and municipal sanitation	1	1	3	2	-
O 91	Activities of social organizations	-	3	1	-	-
O 92	Recreation, culture and sport	3	8	-	1	-
O 93	Other services	-	-	-	1	-
	Unascertained	4	3	4	4	-
CR		**278**	**296**	**240**	**200**	**223**

With a view to the situation and the development of industrial injuries rate, and the carried out analyses of sources, causes, age of the wounded, employment and the like, the following measures were adopted:

- the introduction of the blanket supervision in sectors with a high injury rate and high gravity (building, agriculture, forestry, industry, in particular, in the production of metal constructions, metallurgy, furniture production, processing of secondary raw materials);
- the carrying out of thematic inspections in order to resolve the adverse development, both in the specific sector and in activities that are not specifically bound to a specific sector;
- the introduction of follow-up inspections everywhere, where the previous inspections ascertained serious shortcomings, or where it can be assumed that the company will avoid meeting of the imposed measures;
- close cooperation with the social partners (representatives of the employees and employers);
- the introduction of regular consultation days and the implementation of information pages on the Internet.

Article 3, paragraph 3

„With a view to ensuring the effective exercise of the right to safe and healthy working conditions, the Contracting Parties undertake:

to consult, as appropriate, employers´ and workers´ organisations on measures intended to improve industrial safety and health.“

Please indicate if consultations with workers´ and employers´ organisations are provided for in this connection by law, if they take place in practice and at what level (national, regional, at the sectoral or enterprise level).

The Labor Code valid as of 31.12.2000, embodied in particular the following rights of the trade union bodies during the inspection of safety and health protection at work

- to check how employers fulfill their obligations on safety and protection of health at work, and whether they systematically create working conditions which are safe and not hazardous to health; to regularly inspect workplaces and facilities of employees, and check on the employers‘ supply of personal protection working aids,
- to check whether employers are properly investigating industrial injuries, to participate in the ascertaining of the causes of the industrial injuries and occupational diseases, or as the case may be, investigate them,
- to require that the employer, in a binding instruction, rectifies the faults in the operation of machinery and equipment and in working procedures, and to forbid further work if there is a direct threat to the life or health of employees,
- to prohibit overtime work and night work, which jeopardizes the safety and protection of the employees' health;
- to participate in the negotiations on issues of safety and the protection of health at work.

The Labor Code as effective from 1.1.2001, preserves the aforementioned rights of the trade union bodies and further expands the participation of the employees in resolving the BOZP issues. Employees participate in resolving issues of work safety through the ***trade union bodies,*** and where they are not established, through the ***employees‘ representatives concerned with safety and protection of health at work.*** The employer is obliged to enable the competent trade union bodies, the representatives concerned with safety and health protection at work, or directly the employees to participate in the negotiations on safety and health protection at work, or to provide them information on such negotiations. The employer is obliged to inform them in particular about the evaluation of risks and the adoption and implementation of measures to reduce the effects of such risks, about organizing training, lectures or instructions on safety and health protection at work, on the names of employees responsible for organizing first aid and summoning medical assistance, firefighters and the police and for organizing the evacuation of employees, and about the choice and provision of the company medical care.

The competent trade union body, or representative concerned with safety and health protection at work, or the employees, are obliged to ***co-operate with the employer and employees who have special expertise in dealing with risk prevention,*** so that the employer can assure safe, non-objectionable and non-hazardous working conditions and meet all the obligations prescribed by special legal regulations and measures taken by authorities

concerned with the supervision of safety and health protection at work according to other statutory provisions.

Employer is obliged to organize training for the competent trade union bodies and representatives concerned with safety and health protection at work so that they can properly perform their function, and ***to make the statutory and other provisions*** on safety and health protection at work ***available to them,*** together with the documents on the establishment and assessment of risk, on other measures taken to eradicate risks and to reduce their effect on employees, and the appropriate organization of employees‘ safety and health protection at work, records and reports of industrial injuries and recognized occupational diseases, and documents on the execution of inspections and measures of bodies concerned with supervision of safety and health protection at work.

The employer is obliged to enable the competent trade union bodies and representatives concerned with safety and health protection at work during the inspections of the authorities concerned with the supervision of safety and health protection at work, **to present their comments.** The obligation of the state specialized supervisory bodies to cooperate with trade union bodies arises from the provisions of Article 7 of Act No. 174/1968 Coll., on the State Specialized Supervision of Work Safety.

List of sources to the Article 3:

- *Act No. 65/1965 Coll.,* ***the Labor Code,*** *as amended*
- *Act No. 174/1968 Coll.,* ***on the State Specialized Supervision of Work Safety,*** *as amended*
- *Act No. 353/1999 Coll.,* ***on the Prevention of Serious Accidents Caused by Selected Dangerous Chemical Substances and Chemical Preparations and on the Amendment to Act No. 425/1990 Coll., on District Authorities and the Arrangement of Their Competencies and Other Measures Related to This, as subsequently amended, (Act on the Prevention of Serious Accidents),*** *as amended*
- *Act no. 20/1966 Coll.,* ***on Care of People's Health ,*** *as amended*
- *Act No. 258/2000 Coll.,* ***on the Protection of the Public Health and on Amendment to Several Related Acts,*** *as amended*
- *Act No. 22/1997 Coll.,* ***on Products Technical Requirements and on Amendment of Several Acts,*** *as amended*
- *Act No. 61/1988 Coll.,* ***on Mining Activity, Explosives and on the State Mining Administration,*** *as amended*
- *Act No. 44/1988 Coll.,* ***on the Protection and Utilization of Mineral Resources (Mining Act),*** *as amended*
- *Act No. 133/1985 Coll.,* ***on Fire Protection,*** *as amended*
- *Act no. 140/1961 Coll.,* ***the Criminal Code,*** *as amended*
- *Ministry of Health Notification No. 89/2001 Coll.,* ***Determining the Conditions for Classification of Work into Categories, Limit Levels of Indicators of Biological Exposition Tests and Requisites of Reports on Work with Asbestos and Biological Agents,***
- *Government Decree No. 290/1995 Coll.,* ***Determining the List of Ooccupational Diseases,***
- *Ministry of Health Notification No. 246/2001 Coll.,* ***on Determining Conditions for Fire Safety and the Execution of the State Fire Supervision (Notification on Fire Prevention),***
- *MOLSA Notification No. 204/1994 Coll.,* ***Determining the Extent and More Detailed Conditions for the Provision of the Personal Protective Working Aids, Washing Agents, Detergents and Disinfectants,*** *as amended*
- *Notification No. 48/1982 Coll.,* ***Determining Basic Requirements for the Assurance of the Work Safety and Safety of Technical Equipment,*** *as amended*
- *Ministry of Health Notification No. 261/1997 Coll.,* ***Determining Work and Work Places Prohibited to All Women, Pregnant Women, Mothers until the Ninth Month after Giving a Birth and Minors, and Conditions under Which Minors Can Exceptionally Perform This Work Due to Vocational Training,*** *as amended*
- *Government Decree No. 178/2001 Coll.,* ***Determining the Conditions for the Protection of Employees at Work,***

- *Government Decree No. 378/2001 Coll.,* ***Determining More Detailed Requirements for the Safe Operation and Use of Machinery, Technical Equipment, Devices and Tools,***
- *MOLSA Notification No. 398/2001 Coll.,* ***on Determining Fees for Activities of the Organizations of the State Specialized Supervision of Carrying out Supervision of Designated Technical Equipment Safety,***
- *Government Decree No. 494/2001 Coll.,* ***Determining the Manner of Recording, Reporting and Posting a Record of an Injury, a Sample of the Record, and a Range of Bodies and Institutions Which Are Reported an Industrial Injury and Sent a Record on an Injury,***
- *Government Decree No. 495/2001 Coll.,* ***Determining the Extent and More Detailed Conditions for the Provision of Personal Protective Working Aids, Washing Agents, Detergents and Disinfectants,***
- *Government Decree No. 11/2002 Coll.,* ***Determining the Appearance and Location of Safety Signs and the Introduction of Signals,***
- *Government Decree No. 27/2002 Coll.,* ***Determining the Manner and Organization of Work, as well as Work Processes, the Employer Is Obliged to Provide for the Purposes of Raising Animals, ,***
- *Government Decree No. 28/2002 Coll.,* ***Determining the Manner of Organization of Work and Work Processes, the Employer Is Obliged to Provide for Work in Forest, and at Work Sites of a Similar Nature.***

ARTICLE 4: THE RIGHT TO A FAIR REMUNERATION

Article 4, paragraph 2

„With a view to ensuring the effective exercise of the right to a fair remuneration, the Contracting Parties undertake:

to recognize the right of workers to an increased rate of remuneration for overtime work, subject to exceptions in particular cases;"

„...The exercise of this right shall be achieved by freely concluded collective agreements, by statutory wage-fixing machinery, or by other means appropriate to national conditions."

Question A

Please mention what provisions apply according to legislation and collective agreements as regards overtime pay, the method used to calculate the increased rates of remuneration and the categories of work and workers to which they apply.

Please specify what provisions apply in respect of overtime pay on Saturdays, Sundays and other special days or hours (including night work).

Act No. 1/1992 Coll., on Wages, Remuneration for Stand-by and Average Earnings, and Act No. 143/1992 Coll., on Salary and Remuneration for Stand-by in Budgetary, and in some Other Organizations, regulate the obligation of an employer to provide employees for an overtime work with increased wages (salary). The employer can agree with the employee on the provision of time off in lieu of the premium payment for overtime work. If an employer does not provide the time off to the employee within the agreed period or within three calendar months after the performance of an overtime work, the employee is entitled to a premium payment for the overtime work.

The employees in the so called entrepreneurial sphere are entitled, according to the Act on Wages, to the achieved wage and a premium payment of at least 25% of the average earnings for the period of overtime work. The employer can agree with the employee on the provision of time off in lieu of the premium payment. A lump sum payment for overtime work can also be agreed upon as part of the collective or employment agreement, however, only up to a total amount of 150 hours of such overtime work per year. In case of overtime work, performed outside the aforementioned extent, the employer is always obliged to provide an increased wage.

The employees in the so-called public services sphere (i.e. employees in public services and administration, in armed forces, security units and services) are entitled to a salary for overtime work. The Act on Salary determines in the provision of Article 10 the enumerative segments of a salary that constitute the salary for overtime work. This is a part of the salary tariff of the personal and special extra payment falling for one hour of work, without overtime work, in a calendar month, in which the overtime work is performed (it is always based on a particular calendar month and not on the average number of working hours falling per a calendar month) and a premium payment for overtime work.

The Act on Salary determines the different rates of the premium payment for overtime work, depending on the fact, whether the employer performs the overtime work during his usual working day, for instance, as a continuation of the work performance outside the scope of his shift (25% of the average hourly earnings), or on the day to which the weekly continuous rest period of an employee falls to (50% of the average hourly earnings).

With employees remunerated according to the Act on Salary, no agreements within the collective agreements, that would regulate the provision of salary for overtime work differently from the legal regulation, are admissible. Only such different arrangements on wages for overtime work, which are more advantageous for the employees than the legal regulations, are admitted for employees remunerated according to the Act on Wages. In spite of the fact that the Act on Wages does not restrict the forms of wage advantages for overtime work, the form determined by the Act is usually respected, i.e. an increase of wage for overtime work in the form of a premium payment for overtime work based on the average earnings and often agreed upon to a higher level than stipulated by the Act.

Beside the salary (wage) for overtime work an employee is entitled to further premium payments.

For **work during (public) holiday,** according to the Act on Wage and Act on Salary, the employees are provided apart from wage (salary) a paid time off. If the employer and the employee agree, in lieu of the time off, a premium payment in the amount of 100% of the average earnings can be provided.

For **work on Saturday and Sunday,** the employees, remunerated according to the Act on Salary, are entitled to a premium payment in the amount of 25% of the average earnings. The Act on Wages does not contain a similar provision, and leaves the specific regulation up to the contractual agreement between the employers and employees.

Premium payment for work at night amounts to 20% of the average earnings for employees remunerated according to the Act on Salary, and to at least 5.40 CZK per an hour for employees remunerated according to the Act on Wages,.

The employees are entitled to all the aforementioned premium payments next to the wage (salary) for overtime work.

Question B

Please mention any special cases for which exceptions are made.

Please indicate, where appropriate, whether measures permitting derogation from legislation in your country regarding daily and weekly working hours (see Article 2 para. 1) have an impact on remuneration or compensation of overtime.

Employees remunerated according to the Act on Salary who are entitled to an extra payment for management, or for work position, have their salary assessed with a view to the possible overtime work, within the extent of 150 hours per calendar year, i.e. within extent in which the employer can instruct the employee to work overtime in accordance to Article 96 of the Labor Code. The salary of a management employee who is a statutory body, always takes into account all overtime work (provision of Article 10 of the Act on Salary).

In practice this means that employees who are entitled to extra payment for management or for work position are entitled to salary for overtime work only for overtime work performed outside the scope of 150 hours within the particular year, if they work overtime above the aforementioned extent (based on their own consent). Management employees are always entitled to a salary for overtime work, when they perform it at night, on

the day of work rest or within the extent of instructed stand-by, or stand-by agreed upon. Such overtime work is not taken into respect within their salary; such overtime work is paid to those employees in the same manner as to other employees remunerated according to the Act on Salary, i.e. as an adequate part of the salary, corresponding to the overtime work, increased by the premium payment for overtime work in the amount of 25%, or as the case may be, 50% of the average earnings.

The minimum wage and the minimum wage tariffs are determined for the working time of 40 hours a week (see Government Decree No. 333/1993 Coll., on Determination of the Minimum Wage Tariffs and Extra Wages for Work in Difficult Working Environment and Environment Hazardous to Health and for Work at Night). The hourly rates are for other (lower) than 40 hours weekly working time proportionately increased, the monthly rates remain without changes. Monthly salary tariffs correspond to the set weekly working time, and if this working time is reduced below 40 hours a week, they do not change. Different delimitation of overtime work while working less than 40 hours a week does not affect the salary (wage) for overtime work, the determination of which does not change.

Article 4, paragraph 3

„With a view to ensuring the effective exercise of the right to a fair remuneration, the Contracting Parties undertake:

to recognize the right of men and women workers to equal pay for work of equal value;"

„...The exercise of this right shall be achieved by freely concluded collective agreements, by statutory wage-fixing machinery, or by other means appropriate to national conditions."

Question A

Please indicate how the principle of equal pay for work of equal value is applied; state whether the principle applies to all workers.

Generally, the prohibition of discrimination in labor law relations on grounds of sex, is embodied in Article 1, paragraph 3 of the Act No. 65/1965 Coll., the Labor Code. This provision stipulates that employers are obliged to ensure equal treatment of all employees in regard to their working conditions, including pay and other considerations in cash, or in kind for their work, vocational training and opportunities for career promotion or other carrier development. Subsection 4 of this Article forbids any discrimination in labor law relations on grounds of race, color, sex, sexual orientation, language, religious belief, etc.

In case of the aforementioned principle´s violation, the concerned legal act would be, according to the provision of Article 242 of the Labor Law, invalid. The quoted Article stipulates that a legal act, if its content or purpose contradicts or circumvents the law or if it conflicts with the interests of the society, is invalid.

The principle of equal pay for work of equal value is specified in the provision of the Article 3 of the Act No. 143/1992 Coll., on Salary and Remuneration for Stand-by in Budgetary and in some Other Organizations, and in provision of the Article 4a of the Act No. 1/1992 Coll., on Wages and Remuneration for Stand-by and Average Earnings. Both these acts, at the same time, determine the criteria for the assessment of work of equal value.

The principle of equality of men and women in remuneration is, within the system based on the Act on Salary, to a certain degree, directly guaranteed by the delimitation of objective criteria for the determination of the ***salary tariffs*** uniformly for both men and women. Essentially significant is the system of evaluation of work, which determines an obligatory hierarchy of work by the degree of difficulty, responsibility and its demanding. In compliance with the characteristic features of the salary categories, presented in the annex to the Act on Salary, the implementing regulation (issued according to the Article 23) determines a list of work and qualification prerequisites for the performance of work listed in the individual salary categories. Another criterion is the ***degree of professional and work experience***. Due to the fact that a salary tariff can, in fact, express only a relative value of work of the employee, the Act on Salary stipulates ***other components of a salary*** that enable to appreciate the individual capabilities and performance of the individual employees. When determining the amount of these segments of salary (personal extra payment, bonuses), the employer is obliged to meet the obligation of equal remuneration of men and women for equal work.

A broader application of the analytical method of work evaluation (based on the aforementioned list of work) can be assumed, also, in the entrepreneurial sphere, in association to the obligation of employers to provide the employees with wages, according to

criteria stipulated in the Act on Wages, and the linking up obligation to ascertain the value of work, with the objective of ensuring equality in remuneration of men and women for equal work, and for work of equal value.

The Act on Wages considers as equal work or as work of equal value, the work of equal or comparable degree of difficulty, responsibility, and in terms of how demanding the work is, performed in equal or comparable working conditions, under the equal or comparable working skills and working qualifications of the employee and under the equal or comparable work performance and work results, in employment relations to the same employer. The degree of difficulty, responsibility and of how demanding the work is, is evaluated by the degree of education, extent of further education and practical knowledge and skills required for the execution of this work, by the difficulty of the subject of work and work activity, by the organizational and management demands, by the degree of liability for damage, and for the health and safety, by the physical, sensory and mental load, and the effect of negative factors of work.

Currently, the wage policy department of the Ministry of Labor and Social Affairs is preparing a methodological document that would make it easier for the employers to apply the quoted provisions of the Act on Wages, and Act on Salary, in disputable cases.

Question B

Please indicate the progress which has been made in applying this principle.

The principle of equality of sexes has been a long-term embodied constitutional principle. With a view to this, its express reflection into the principle of equal wage for equal work and for work of equal value into the Act on Wages and Act on Salary was not associated with any more significant problems.

In practice, however, within the labor law relations, the principle of equality of sexes, in particular in the field of remuneration, is not applied consistently. From data of the Czech Statistical Office (also see the attached tables) it is clear that the disproportion between the earnings of men and women persists. The ratio of wages of women amounts to about 73% of the wages of men. When evaluating these data, it is necessary to take into consideration the fact of the different structure of employment of women and men. Large proportion of women works in the state sphere in education, in health care, and in public administration where their salary is determined centrally, based on the government directives, and not on the market principles, based on the market demand, and offer of work, as it is in the most of sectors where men prevail.

Based upon the instruction of the Employment Services Administration, all labor offices in the Czech Republic carried out inspection survey last year, aimed to ascertain whether the conditions for the provision of wages are equal for men and women, whether the principle of equal remuneration for men and women for equal work or work of equal value is adhered to, and whether discriminatory elements during the hiring of employees for work positions are not applied. The number of proven violations of the principle of the prohibition of discrimination on grounds of sex was inconsiderable. There are not many complaints about discrimination or inputs in this field, and a lack of evidence for discriminatory acts of the employers is the biggest obstacle in proving this wrongful phenomenon.

Numbers of employees and their average gross and net monthly wages in 2000, including the total of employees
and the employees with the amount of paid hours 1,700 and higher
sorted by *education and sex of employees*

EDUCATION OF EMPLOYEE	Number of employees			Average gross monthly wages of employees			Number of employees			Average monthly wages of employees					
	Total			Total			With the amount of 1,700 paid hours and higher			With the amount of 1,700 paid hours and higher					
										gross			net		
		Of which			Of which			Of which			Of which			Of which	
	Total	men	women	Total	men	women	Total	men	women	total	men	women	Total	men	women
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TOTAL	459140	243336	215804	12995,1	15118,9	10600,3	355440	196275	159165	15186,8	17251,5	12640,7	11579,6	13092,3	9714,24
Of which employees with the following education:															
Elementary and not completed	53753	20793	32960	8467,09	10200,1	7373,81	35689	14691	20998	10570,3	12456,1	9250,94	8306,94	9756,25	7292,95
Secondary without diploma	175364	118526	56838	10757,7	12130,5	7894,98	133142	94806	38336	12549,5	13732,9	9622,9	9834,09	10742,9	7586,52
Secondary with diploma	134121	53606	80515	13608,1	16433,3	11727,2	109823	45297	64526	15358	18288,8	13300,7	11748,6	13890,1	10245,2
Higher professional and bachelor's degree	2355	1043	1312	14225,2	17337,2	11751,4	1764	806	958	16946,1	20304,5	14120,6	12679	15037,7	10694,6
University	52877	30443	22434	22656,4	26966,3	16808	43461	25448	18013	25687,9	30281,3	19198,6	18525,2	21656,9	14100,7
Not presented	40670	18925	21745	13972,8	16336,2	11915,9	31561	15227	16334	16377,9	18762,3	14155,1	12430,3	14148,8	10828,3

Numbers of employees and their average gross and net monthly wages in 2000
In total in the case of all employees, and in the case of employees with 1,700 paid hours and higher, sorted by their sex and kind of management

KIND OF MANAGEMENT	Number of employees Total			Average gross monthly Wages of employees Total			Number of employees With the amount of 1,700 paid hours and higher			Average monthly wages of employees With the amount of 1,700 paid hours and higher Gross			Net		
	Total	Of which men	Women	Total	Of which men	Women	Total	Of which Men	Women	Total	Of which Men	Women	Total	Of which Men	Women
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TOTAL	459140	243336	215804	12995,1	15118,9	10600,3	355440	196275	159165	15186,8	17251,5	12640,7	11579,6	13092,3	9714,24
Of which															
Entrepreneurial sphere	368875	222774	146101	13470,1	15280,7	10709,4	285419	180098	105321	15769,5	17406,8	12969,7	12026,5	13208,2	10005,9
Non-entrepreneurial sphere	90265	20562	69703	11053,7	13366,1	10371,6	70021	16177	53844	12811,5	15522	11997,1	9758,05	11802,5	9143,81
Of which :															
Private	190763	120918	69845	12396,5	14011,2	9601,12	146171	96596	49575	14589,6	16076,6	11692,3	11219,5	12307,6	9099,45
Cooperative	21895	9655	12240	8939,52	10816,2	7459,16	15487	7709	7778	11036,7	12517,3	9569,17	8696,73	9831,45	7572,08
State	125765	46782	78983	12480,1	15228,2	10852,4	98231	37719	60512	14386,6	17253,9	12599,4	10968,9	13110,1	9634,25
Communal	14560	3387	11173	10592,5	12352,6	10059	11276	2652	8624	12249,8	14436,9	11577,3	9309,36	11030,4	8780,12
Social	609	281	328	9001,59	9860,68	8265,6	364	185	179	12762,8	13130,2	12383	9849,5	10077	9614,39
Foreign	19757	9533	10224	15350,9	19349,4	11622,6	13811	7073	6738	19332,8	23473,7	14986,1	14269,5	17046,5	11354,3
International	34843	21106	13737	17347,5	19690,9	13747	27843	17449	10394	20078	22303,8	16341,3	14977,8	16532,6	12367,7
Mixed	50948	31674	19274	15094,5	16520,3	12751,2	42257	26892	15365	16860,3	18216,8	14486,2	12804	13772,7	11108,6

Question C

Please describe the protection afforded to workers against retaliatory measures, including dismissal.

Please indicate the procedures applied to implement this protection.

The amended wording of the Act No. 65/1965 Coll., the Labor Code, in provision of the Article 7, expressly formulates the principle that employer must not victimize his employee, or disadvantage him only because the employee claims the rights and entitlements arising from labor relations in a lawful manner.

Statutory provisions secure the protection of employees against retaliatory measures of the employer by several means, namely by the means of participation of the trade union bodies in several acts of the employer, by the means of inspection of meeting the labor law regulations on the part of the state administration bodies, and finally by the means of activity of courts.

Employer is entitled to give a notice to an employee, or to terminate the employment relationship immediately with an employee, **only due to reasons defined in detail by law** (see answer to question of Article 4, paragraph 4 (A)). Besides, in these cases of employment relationship termination, the employer is obliged to consult the competent trade union body in advance about these acts (the employer is obliged to acquaint the competent trade union body, within the agreed time period, with other cases of employment relationship termination). If it relates to a member of the competent trade union body, who is authorized to co-decide with the employer, within the period of his functional period and within the period of one year after it finished, the employer is obliged to require the competent trade union body for their previous consent, if it is a notice or immediate termination of an employment relationship (provision of Article 59 of the Labor Code). If the competent trade union body refused to provide consent, the notice or immediate termination of the employment relationship is void.

Act No. 1/1991 Coll., on Employment, together with the Act No. 9/1991 Coll., on Employment and on Activities of Authorities of the Czech Republic in the Sector of Employment, establish **the authority of labor offices for the execution of inspection activity** (for more detail see answer to the question of the article 2 paragraph 1 (A)).

In establishments of armed forces and armed units within the competence of the Ministry of Defense, the Ministry of Interior and the Ministry of Justice, the inspection can be carried out only with consent of the competent Ministry.

If an employment relationship is terminated (whether by a notice, by immediate termination or by an agreement) the employee has the right to claim **the invalidity of this act at court,** within the period of two months from the day, when the employment relationship should have finished by this termination. Claims arising from an invalid termination of an employment relationship are regulated by the Labor Code, depending on whether the employee insists or does not insist that the employer keeps on employing him. If the employee, whose employment relationship was invalidly terminated, announces that he insists on being employed by the employer, his employment relationship continues and the employer is obliged to provide the employee with a compensatory wage in the amount of average earnings to which he is entitled, until the employer enables him to continue in work or until the employment relationship is validly terminated. If the total period for which a compensatory wage should be provided to the employee exceeds 6 months, court can on request of the employer appropriately reduce the obligation for the provision of the compensatory wage for additional time, or, as the case may be, need not recognize the

entitlement to the compensatory wage of the employee. The court, for the purposes of its decision, will take into consideration whether the employee was employed somewhere else in the meanwhile, what kind of work he was engaged in, and what earnings he achieved, or for what reason he did not engage in work at all.

Article 4, paragraph 4

„With a view to ensuring the effective exercise of the right to a fair remuneration, the Contracting Parties undertake:

to recognize the right of all workers to a reasonable period of notice for termination of employment;"

„...The exercise of this right shall be achieved by freely concluded collective agreements, by statutory wage-fixing machinery, or by other means appropriate to national conditions."

Question A

Please indicate if periods of notice are provided for by legislation, by collective agreements or by practice and if so, indicate the length of such periods, notably in relation to seniority in the enterprise.

Please indicate whether the periods of notice established by legislation can be derogated by collective agreements.

Please indicate the periods of notice applicable to part-time workers and to home workers.

Please indicate in which cases a worker may not be given a notice period.

Please indicate whether provision is made for notice periods in the case of fixed-term contracts which are not renewed.

Legal facts, based on which an employment relationship is terminated, are delimited by the Labor Code (provision of the Article 42 and the following provisions).

An employment relationship terminated ***by agreement*** is terminated on the day on which the employee and the employer agreed.

An employment relationship can be terminated by an ***immediate termination*** only due to reasons presented in detail in the provisions of Articles 53 and 54 of the Labor Code. The employer can immediately terminate an employment relationship only when the employee was sentenced for an intentional criminal act to an unconditional sentence of imprisonmentfor a period longer than one year, or when the employee was sentenced for an intentional criminal act committed during the performance of work tasks or in direct relation to it, to an unconditional sentence of imprisonment for the period of at least 6 months, or when the employee violated the work discipline in an extremely serious manner. Both of the aforementioned reasons for the termination of an employment relationship consist of an intentional criminal act of an employee. In the first case the consequence of such a criminal act is the exclusion of the employee from the work process for at least a year, in the second case, for at least 6 months. It is generally accepted that in such a case the further employment of such employees cannot be justifiably claimed.

The Labor Code does not define the term violation of the work discipline in an extremely serious manner. The specific work discipline violation, situation and the employee's personality must be taken into respect. When assessing whether the conditions of the immediate employment relationship termination are met, it is also necessary to take into consideration, whether the employee violated work discipline in the past, or whether this is an exceptional violation of work discipline.

Employer cannot immediately terminate employment relationship with a pregnant employee and with a female or male employee who permanently cares for a child younger

than three years – employer can terminate employment relationship with these employers only by a notice.

Employer cannot immediately terminate employment relationship with a female employee who is on maternity leave, or with a male employee who is on parental leave for the period for which the female employee is entitled to draw maternity leave.

Employee can immediately terminate employment relationship with employer if, according to a medical report, he cannot further perform the work without a serious threat to his health and employer did not transfer him within the period of 15 days from the day of presenting this medical report to another work, or if the employer did not pay a wage to the employee within 15 days after its due date. The employee or employer can immediately terminate an employment relationship within the period of one month from the day he learned about the reason for an immediate termination of employment relationship, at the latest however within one year from the day this reason arose.

An employment relationship can be terminated by ***termination during the trial (probationary) period*** both on the part of the employer, and on the part of the employee for any reason whatsoever or without stating a reason. Written notification of termination of the employment relationship should be delivered to the other party at least three days in advance.

Employment relationship terminated by the ***expiry of the period, for which the employment relationship was agreed upon,*** is terminated as a result of an objective legal fact. The same applies for the termination of an employment relationship by the ***death of the employee.***

Both the employee and the employer can terminate employment relationship by giving a ***notice.*** However, while an employee can give a notice without stating any reason, the employer can give notice only for reasons delimited in detail by the Labor Code. Notice for any other reason than for a reason permitted by the law would be void. Provision of Article 46 of the Labor Code delimits the following reasons for the notice on the part of the employer:

a) if the employer‘s enterprise, or part of it, shuts down,
b) if the employer‘s enterprise, or part of it, relocates,
c) if the employee is to be made redundant because of a decision by the employer or his competent body to change the enterprise‘s activities or its technology, to reduce the number of employees for the purpose of increasing labor efficiency, or to make other organizational changes,
d) if the state of the employee‘s health is such, according to the opinion of a medical expert or a ruling of the state health administration authority or a social security authority, that he is no longer able, in the long-term, to do his existing work, or he is not permitted to do the work because he suffers from an occupational disease or faces the danger of such disease, or, according to a ruling of the competent public health protection authority, he has been subjected to the maximum permissible level of exposure at the workplace,
e) if the employee does not meet the prerequisites prescribed by statutory provisions for performance of the agreed work, or if, through no fault on the employer‘s part, he does not meet the requirements for proper performance of such work; if his failure to meet these requirements is the result of unsatisfactory work, the employee may be given a notice for this reason only if the employer called upon him in writing to eliminate the defects (in his work) during the previous 12 months and the employee failed to do so within a reasonable period of time;
f) if there exist grounds upon which the employer might immediately terminate the employment relationship, or due to serious breaches of work discipline; for consistent, but less serious breaches of work discipline, the employee may be given notice if, during the

previous six months, in connection with such breaches, he was warned in writing of the possibility of being given notice of termination.

In wording valid prior to the effectiveness of the amendment, the Labor Code delimited one more reason for a notice. Employer could give a notice to an employee if the employer‘s enterprise ceased to exist, or if a part of the employer‘s enterprise was transferred to another employer, and the accepting employer did not have the possibility of employing the employees according to the employment agreement. This provision was, however, repealed and at the same time the obligations of the existing and accepting employers have been delimited (see provision of Article 249 and the following provisions).

In case of termination of employment relationship by a notice, the provision of Article 45 of the Labor Code relating to **notice period** are applied. This provision is cogent and the length of the notice period cannot be changed by collective agreements. Employment relationship is terminated on the expiry of the notice period, which makes ***two months.*** Notice period commences on the first day of the calendar month following the delivery of the notice. In case the employee was given a notice because the employer‘s enterprise, or its part, shuts down or relocates, or due to the redundancy, the notice period is ***three months.***

Question B

Please indicate whether wage-earner may challenge the legality of such notice of termination of employment before a judicial authority.

Invalidity of the termination of employment relationship can be claimed both by the employee or by the employer at the court at the latest within the period of two months from the day the employment relationship should have finished by this termination (for more detail see answer to question of Article 4, paragraph 3, (C)).

Article 4, paragraph 5

„With a view to ensuring the effective exercise of the right to a fair remuneration, the Contracting Parties undertake:

to permit deductions from wages only on the conditions and to the extent prescribed by national laws or regulations or fixed by collective agreements or arbitration awards."

„...The exercise of this right shall be achieved by freely concluded agreements, by statutory wage-fixing machinery, or by other means appropriate to national conditions."

Question A

Please describe how and to what extent observance of this paragraph is ensured in your country, specifying the ways in which this right is exercised, both as regards deductions made by the employer for his own benefit and for the benefit of third parties.

Please indicate whether legislation, regulations or collective agreements provide for the non-seizability of a part of the wage.

Wages and salary is the personal claim of an employee, and therefore the employer can dispose of the amount designated for pay only in limited cases stipulated by law. Beside the wage deductions agreed upon by the employee and by the employer, it is permitted to deduct only the amounts stipulated in detail in the provision of Article 12 of the Act on Wages, and in the provision of Article 18, paragraph 1 of the Act on Salary. These are particularly the amounts deducted for the benefit of the state (advance payments of personal income tax), amounts of the mandatory insurance stipulated by the law (social security insurance contributions, general health insurance contributions and the state employment policy contributions), illegitimately accepted considerations arising from generally binding legal regulations (overpayments of health insurance contributions, of state social benefits and illegitimately accepted amounts of social security benefits), and amounts affected by an execution of a legal decision. The employer is, however, entitled to deduct from the employee's wages (salary) without the employee's consent even the amounts the employer already paid to him if the employee did not meet the conditions for their payment. This relates to the compensatory wages (salary) for a leave to which the employee lost entitlement, unaccounted advance for compensation of travel compensation, moving and other expenses, as well as advance wages, the employee is obliged to refund, because the conditions for its payment were not met.

The order of the wage deductions is determined by the Government Decree No. 108/1994 Coll., Implementing the Labor Code. The following items are deducted from the wages first; advance payments of personal income tax, social security insurance contributions, state employment policy contributions, and general health insurance contributions. Other wages deductions, permitted by the Code, Act on Wages, Remuneration for Stand-by and Average Earnings (for employees in entrepreneurial sphere) and by the Act on Salary and Remuneration for Stand-by in Budgetary and in some Other Organizations (for employees in non-entrepreneurial sphere), can be carried out only within the extent stipulated by the Code of Civil Procedure , in the provisions relating to the execution of a legal decision for deductions from wages.

According to Act No. 99/1963, the Code of Civil Procedure, the deductions are carried out from net wages. Net wages are calculated by deducting the advance payment of personal

income tax, deducted from incomes, coming from employment and from functional benefits, social security insurance contributions, state employment policy contributions, and general health insurance contributions. The so-called basic component of the wage must not be deducted from the monthly wage. This is defined in the Government Decree No. 63/1998 Coll., on the Method of Calculating the Basic Amount That Cannot Be Deducted from an Obliged Person Entitled to Monthly Wage during the Execution of a Legal Decision, and on Determining the Amount of Wage above Which There Are no Limits for the Deductions to be Applicable (Decree on Amounts That Cannot Be Seized). According to this Decree, the basic amount which makes 62% of the minimum subsistence amount of an individual, and 25% of an amount of the minimum subsistence amount of an individual, to which he is obliged to provide alimony, cannot be deducted. The amount of minimum subsistence amount is stipulated by Act No. 463/1991 Coll., on the Minimum Subsistence Amount (for more detail, see answer to article 12, paragraph 1 of the Report on the Implementation of the European Social Charter).

Question B

Please state whether the measures described are applicable to all categories of wage-earners. If this is not the case, please give estimate of the proportion of workers not covered and, if appropriate, give details of the categories concerned.

The described measures apply to all categories of employees.

List of sources to the Article 4:

- *Act No. 65/1965 Coll.,* ***the Labor Code,*** *as amended*
- *Act no. 1/1992 Coll.,* ***on Wages, Remuneration for Stand-by and Average Earnings,*** *as amended,*

  Act no. 143/1992 Coll., ***on Salary and Remuneration for Stand-By in Budgetary and in some Other Organizations,*** *as amended*
- *Act No. 1/1991 Coll.,* ***on Employment,*** *as amended*
- *Act No. 9/1991 Coll.,* ***on Employment and on Activities of the Authorities of the Czech Republicin the sector of Employment,*** *as amended*
- *Act No. 99/1963 Coll.,* ***the Code of Civil Procedure,*** *as amended*
- *Act no. 463/1991 Coll.,* ***on Minimum Subsistence Amount,*** *as amended*
- *Government Decree No. 108/1994 Coll.,* ***Implementing the Labor Code and other Acts,*** *as amended*
- *Government Decree No. 333/1993 Coll.,* ***on Determination of the Minimum Wage Tariffs and Extra Wage for Work in Difficult Working Envirornment and Working Environment Hazardous to Health and for Work at Night,*** *as amended*
- *Government Decree No. 63/1998 Coll.,* ***on the Method of Calculating the Basic Amount That Cannot be Deducted From an Obliged Person Entitled to Monthly Wage during the Execution of a Legal Decision, and on Determining the Amount of Wage above Which There Are no Limits for Deductions to Be Applicable (Decree on Amounts That Cannot Be Seized).***

ARTICLE 7: THE RIGHT OF CHILDREN AND YOUNG PERSONS TO PROTECTION

Article 7, paragraph 1

„With a view to ensuring the effective exercise of the right of children and young persons to protection, the Contracting Parties undertake:

to provide that the minimum age for admission to employment shall be 15 years, subject to exceptions for children employed in prescribed light work without harm to their health, morals or education;“

Question A

Please indicate whether the minimum age of admission to employment is regulated by legislation. If so, please send the relevant texts.

Please indicate whether the minimum age of admission to employment applies to all categories of work, including agricultural work, domestic work and work carried out in family enterprises

The issues relating to labor law personality of the employers and employees are regulated by Act No. 65/1965 Coll., the Labor Code. The legal capacity of an individual as an employee within the labor law relations, arises on the day when the individual reaches the age of 15. At the same time the employer cannot arrange with an individual a day of commencement of work, that would precede the day, when this individual conplets compulsory school attendance. The Labor Code stipulates that the labor law personality of an individual who has completed compulsory school attendance in a special needs school prior to reaching the age of 15, arises on the day the mandatory school attendance has ended, at the soonest however on the day of reaching the age of 14. This provision however, cannot be applied under the current legislation, because Act No. 29/1984 Coll., the School Act, as ammended, does not allow finishing mandatory school attendance prior to reaching the age of 15.

The aforementioned legislation only applies in the case the child (minor) is employed in an employment relationship, or, as the case may be, based on some of the agreements on work performed outside the employment relationships, i.e. within the framework of labor law regulations. If the child (minor) performs work based on other legal acts, in particular based on an innominate contract or a performance contract according to civil law regulations, then currently there is no regulation valid for labor law relations in terms of minimum age, working hours, protection of health at work, remuneration etc. The execution of work by children based on these agreements is governed by the general statutory provisions, i.e. by the Civil Code, and more detailed conditions can be agreed upon within the agreement.

The CR is aware that the above mentioned situation, where there is no general legislation that would prohibit work of children and set forth only exceptional cases and conditions under which children can perform work, is unsatisfactory. Currently, the Bill on the Protection of Children at Work, that should eliminate these shortcomings, is under

preparation (for more detail see answer to question B). In association, to the adoption of this Act, the ratification of ILO Convention No.138, Minimum Age Convention, is assumed.

Question B

Please state whether your country´s legislation dealing with minimum age allows derogations. If so, please state the derogations provided for in general by law or granted by an authority.

Please provide a definition of "light work" and, if appropriate, the list of such work.

The valid labor law legislation does not allow for variations from the prescribed minimum age (for performance of work by children based on other than labor law regulations see answer to question A). Neither the current legislation recognize the term „light work". The Labor Code, however, stipulates with regard to minor employees that the minors can be employed on work that is appropriate to their physical and intellectual development.

Variance relating to the minimum age for admission to employment should be brought up by the legislation relating to the protection of children at work, submitted in December 2001 to the CR Government for consideration. The proposed statutory provision is not drawn as a labor law regulation. This bill, which should implement the transposition of the Directive of the European Union Council No. 94/33/EC, on the Protection of Young Persons at Work, assumes that children older than 13 years will be able to perform the so-called light work. The description of light work is presented directly in the Bill on the Protection of Children at Work. This must be work that is appropriate to the intellectual development of the child, to the physical and mental abilities adequate to his age and must not threaten or damage its health and physical and mental development. This work also must not prevent the child from the fulfillment of the compulsory school attendance. Further limitations to work of children will arise from the Notification of the Ministry of Health No. 89/2001 Coll., Determining the Conditions for Classification of Work into Categories, Limit Levels of Indicators of Biological Exposition Tests and Requisites of Reports on Work with Asbestos and Biological Agents and the Notification of the Ministry of Health No. 261/1997 Coll., Determining Work and Work Places Prohibited to All Women, Pregnant Women, Mothers untill the Ninth Month after Giving a Birth and to Minors, and Conditions under Which Minors Can Exceptionally Perform This Work Due to Vocational Training. Children will be only able to perform work classified as the first category work. According to the Ministry of Health Notification No. 89/2001 Coll, the first category includes work performed under conditions that according to the current level of known facts, are not likely to have negative impact on the health of an employee.

Question C

Please indicate the measures taken to combat illegal child labour and to implement in practice the relevant legislation and regulations.

The valid labor law legislation currently deals only with employment of children older than 15 years of age. If a child younger than 15 years of age was employed in an employment relationship or on base of some of the agreements on work performed outside employment relationships, it would represent a violation of labor law regulations, sanctioned by the labor

offices. If a child (minor) performs work based on other than labor law regulations (see above), the inspection authority of offices is not established.

According to provision of Article 9, paragraph 1 of the Act No. 9/1991 Coll., on Employment and on Activities of the Authorities of the Czech Republic in the Sector of Employment, the labor office as a body of inspection is entitled to impose the employer for caused violations of duties, the meeting of which the labor office is entitled to inspect, fines of up to the amount of 250,000 CZK. For a repeated violation of obligations, previously subjected to a penalization, the labor office is entitled to impose a fine up to the amount of 1,000,000 CZK.

Further the legal system of the Czech Republic regulates sanctions for exploitation of children at work. Act No. 200/1900 Coll., on Transgressions, in the provision of Article 28, paragraph 1 (g) stipulates that a person who exploits a minor child for physical work inappropriate to his age and degree of his physical and intellectual development, commits a transgression for which a fine of up 10,000 CZK can be imposed. Besides this, the Act No. 140/1961 Coll, the Criminal Code, in provision of Article 216a defines acts constituing the offence of trade with children; according to this provision, a person who commits a child into the power of another person for the purpose of adoption, exploitation of children‘s work or for another purpose in return for payment, will be punished with a sentence of imprisonment of up to three years or with financial penalty.

Article 7, paragraph 2

„With a view to ensuring the effective exercise of the right of children and young persons to protection, the Contracting Parties undertake:

to provide that a higher minimum age of admission to employment shall be fixed with respect to prescribed occupations regarded as dangerous or unhealthy;"

Question A

Please indicate for which types of work exists a higher minimum age than the minimum age for admission to employment, and the age for these types of work.

The Labor Code stipulates a general prohibition to employ the minors on work that would not be appropriate to their physical and mental development (provision of Article 165). Other provisions of the Labor Code are linked to this provision, that prohibit minors to:

- work overtime,
- work at night (exceptionally minors older that 16 years of age can perform work at night that does not exceed one hour if it is necessary for their vocational training; work at night of a minor must in such case link to his work falling on a day time),
- work underground mining minerals, or tunneling,
- work that is inappropriate for them, dangerous and hazardous to their health (this work is specified by the Notification of the Ministry of Health No. 261/1997 Coll., Determining Work and Work Places Prohibited to All Women, Pregnant Women, Mothers until the Ninth Month after Giving a Birth and to Minors, and Conditions under Which Minors Can Exceptionally Perform This Work Due to Vocational Training),
- work during which they are exposed to an increased danger of injury or during the performance of which they could seriously endanger the safety and health of other employees.

These prohibitions relate also to work performed by minors based upon agreements on work performed outside the scope of employment relationship.

The Labor Code further contains the authorizations of the Ministry of Health to issue a notification expanding the prohibitions of some work also to employees whose age is close to the age of minors.

In 2000, in the Czech Republic there were in total 233 registered industrial injuries of the minors. There was no fatal injury within the monitored period. There were in average 2.39 industrial injuries per 100 minors. The average percentage of work incapacity due to industrial injuries amounts to 0.130.

Question B

Please indicate whether any derogations are provided for concerning these types of work.

The question was answered within the framework of answer to question A.

Question C

Please indicate the measures taken to implement in practice the relevant legislation and regulations.

The inspection of the meeting of the labor law regulations, in the area of safety and protection at work, is executed by he state specialized supervisory bodies (see answer to question of the Article 3, paragraph 2 (A)), also in establishments serving for a production vocational practice of the minors.

The following, in particular, contributes to the enforcement of the relevant regulations in the area of rights of children and young persons:

- carrying out inspection of the meeting of the prescribed working conditions of young persons during each supervision executed by the state specialized supervisory bodies (this obligation is embodied in the „Methodology of the state specialized supervision“ and the „Program of activity for the planned inspections for current year“);
- obligatory investigation of causes of all arising serious industrial injuries of minors, inputs and complaints of violating the working conditions of the minors;
- regular inspections at vocational schools and at the contractual work places for practical instruction outside the school;
- cooperation and mutual exchange of information between the state specialized supervision and the Trade Unions Association of Education;
- imposing fines for the ascertained violations of statutory provisions.

Article 7, paragraph 3

„With a view to ensuring the effective exercise of the right of children and young persons to protection, the Contracting Parties undertake:

to provide that persons who are still subject to compulsory education shall not be employed in such work as would deprive them of the full benefit of their education;"

Question A

Please indicate the age at which education ceases to be compulsory under your country´s present legislation.

The compulsory school attendance finishes usually at the age of 15. According to the provision of Article 34 of the Act No. 29/1984 Coll., on the System of Elementary, Secondary and Higher Professional Schools (The Schools Act), the compulsory school attendance begins at the beginning of the school year, following the day when the child reaches the age of six years. It is to last 9 years and the pupils complete it by finishing the regular school year during which they complete the last year of compulsory education.

Question B

Please indicate the statutory maximum duration of any work performed by children still subject to compulsory education before or after school hours and during weekends and school holidays.

Please indicate the nature of the work performed by these children.

According to the valid legislation the children who are subject to compulsory education, cannot enter into labor law relations (for unsatisfactory legislation relating to the performance of work by children in other than labor law relations see answers to questions of the Article 7, paragraph 1). New legislation for the implementation of transposition of the Directive of the EU Council No. 94/33/ES, on the Protection of Young Persons at Work is however being prepared,. According to this bill, children subjected to compulsory education will also be able to perform the so-called light work. This work will be limited in terms of time. The working time will differ during the period before and after the school hours and during the period of school holidays. During the period before and after the school hours, the children will be able to perform work of at maximum two hours a day, on condition that this work is not performed prior to the beginning of the school hours, and that between the end of school hours and the beginning of work, the child will have at least one hour of rest. On the weekends the maximum possible working time will be 4.5 hours a day. During the period of school holidays the working hours of children will be 6 hours a day. Children will be able to work within the maximum extent of half of the school holidays duration (see also answer to question below Article 7, paragraph 1 (B)).

Question C

Please indicate the measures taken to implement in practice the relevant legislation and regulations.

With regard to the current legislation, any employment of children subject to compulsory education is illegal. However, the performance of work by children based on other than labor law regulations is not expressly considered as unlawful (see answers to Article 7, paragraph 1). Measures serving for the enforcement of statutory provisions prohibiting work of children younger than 15 years were described in the answer to the question of Article 7, paragraph 1 (C).

Article 7, paragraph 4

„With a view to ensuring the effective exercise of the right of children and young persons to protection, the Contracting Parties undertake:

to provide that the working hours of persons under 16 years of age shall be limited in accordance with the needs of their development, and particularly with their need for vocational training;"

Question A

Please indicate the extent of this limitation, whether it follows from legislative, administrative, or contractual provisions or from practice.

In compliance with the provision of the Article 83a of the Labor Code, the length of working time of employees under 16 years of age can in maximum amount to 30 hours a week. The working time on the individual days must not exceed 6 hours.

Minors must be provided always after, at the longest, 4.5 hours of uninterrupted work with a break from work for food and rest lasting at least 30 minutes (provision of the Article 89 of the Labor Code).

Question B

Please indicate if any workers are not covered by provisions of this nature, whether contained in legislation, collective agreements or other measures and, if so:

a. please provide statistics showing what proportion of all workers is not covered;
b. please give the reasons for which certain workers are not covered;
c. please indicate what special measures have been taken on behalf of workers under sixteen years who do not benefit from any limitation of their hours of work.

Provisions of the Labor Code relating to the length of working hours of persons younger than 16 years of age apply to all workers of this age category.

Question C

Please indicate the measures taken to implement in practice the relevant legislation and regulations.

Measures serving to the enforcement of these legal regulations were described in the answer to the question of the Article 3, paragraph 2 (A).

Article 7, paragraph 5

„With a view to ensuring the effective exercise of the right of children and young persons to protection, the Contracting Parties undertake:

to recognize the right of young workers and apprentices to a fair wage or other appropriate allowances.“

Question A

Please indicate the general rules applying to the wages of young workers and on the appropriate allowances of apprentices.

The Government Decree No. 303/1995 Coll., on the Minimum Wages, as subsequently amended, determines the minimum wage as the lowest monetary consideration the employer, according to Article 111, paragraph 3 of the Labor Code, is obliged to provide to an employee for work. The amount of minimum wage for each hour performed by an employee amounts to 33.90 CZK, and to 5.700 CZK per month for an employee remunerated by a monthly wage.

For employees between 18 to 21 years of age, the minimum wage for reasons of supporting the employment of school leavers, amounts to 90% of the prescribed monthly or hourly minimum wage, as long as it is the first employment relationship or a similar work relation of the worker, within the period of 6 months, starting on day of the commencement of this employment relationship or of a similar work relation. In the case of minor employees it makes, due to the same reason, 80% of the presented amount of minimum wage. A minor employee according to the provision of Article 274 of the Labor Code, is an employee younger than 18 years of age. The same conditions for the determination of the amount of the rate were also applied to the minimum wage tariffs by which the minimum amount of wages are determined in the so-called entrepreneurial sphere for employees, whose wages are not contracted in a collective agreement (provision of the Article 14 of the Act No. 1/1992 Coll., on Wages, Remuneration for Stand-by and Average Earnings and the Government Decree No. 333/1993 Coll., on Determination of the Minimum Wage Tariffs and Extra Wage for Work in Difficult Working Environment or Working Environment Hazardous to Health and for Work at Night).

Act No. 143/1992 Coll., on Salary, and Remuneration for Stand-by in Budgetary and some Other Organizations, does not determine a special procedure for remuneration of minors. Legislation set forth by this act (including the amount of wage tariffs and other components of wage) applies to minor employees as well. According to the provision of Article 3, paragraph 6 of the Act on Salary an employee‘s salary must not be lower than the minimum wage. A minor employee is entitled to a compensation to equalize his wages only to the level set for minor employees, if his actual wage is lower than that.

Remuneration of apprentices is regulated by the Notification of the Ministry of Education, Youth and Sports of the Czech Republic No. 315/1991 Coll., on Financial and Material Security of Pupils of Secondary Vocational Schools, Special Secondary Vocational Apprenticeship Schools, Special Apprenticeship Schools and Apprenticeship Schools. If the pupils perform, in compliance with instruction programs and curriculums, the vocational training in productive activities, they are provided remuneration within the scale of 20% to 150% of the minimum wage of a minor employee. The amount of monthly remuneration is

determined according to the quality and results of the productive activity of the pupil with a view to the overall evaluation of his results and conduct. Pupils who undergo, under the conditions prescribed by the curriculum, vocational training in difficult environment or environment hazardous to health, or who due to the organization of instruction perform vocational training with the consent of the apprenticeship school principal exceptionally on Saturday or Sunday, or afternoon shift, are entitled to extra payments to which employees are entitled.

Question B

Please give available statistical information on the level of wages for young workers and on the appropriate allowances for apprentices.

The following table provides a summary of the amount of average monthly wage of employees in accordance to their age and sex. More detailed statistical information relating to the level of wages of minor workers and apprentices are not currently available.

Number of employees and their average gross and net monthly wages
Total wages of all employees in 2000 and total wages of employees
with 1,700 and more hours paid. Sorted by their age and sex.

AGE OF AN EMPLOYEE	Number of employees Total			Average gross monthly Wages of employees Total			Number of employees With 1,700 and more hours paid			Average monthly wages of employees With 1,700 and more hours paid Gross			net		
		Of which			Of which			Of which			Of which			Of which	
	In total	men	women	In total	men	women	In total	men	women	In total	men	women	In total	men	Women
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
IN TOTAL	459140	243336	215804	12995,07	15118,9	10600,29	355440	196275	159165	15186,8	17251,5	12640,7	11579,6	13092,3	9714,24
Of which; age of employees															
Up to 19	4210	2000	2210	3731,96	3723,64	3739,49	806	315	491	9118,66	9795,23	8684,62	7195,85	7698,46	6873,4
Between 20 - 24	39947	21118	18829	8994,51	9693,51	8210,54	25196	13385	11811	11768,4	12691	10722,8	9137,33	9826,37	8356,46
Between 25 - 29	52729	31331	21398	12270,57	13815,26	10008,84	39122	24989	14133	14659,5	15758,7	12715,9	11235,9	12071	9759,41
Between 30 - 34	47193	26101	21092	13585,21	16475,25	10008,84	36707	21989	14718	15810,4	18198,7	12242,3	12093,2	13856,1	9459,27
Between 35 - 39	54594	26961	27633	13735,82	16773,88	10771,64	44403	23046	21357	15512,7	18393,6	12404	11929,9	14080,6	9609,09
Between 40 - 44	58566	27566	31000	13707,41	16383,26	11327,97	48417	23476	24941	15317	18013,1	12779,2	11763,9	13802	9845,55
Between 45 - 49	72636	34527	38109	13589,32	16090,34	11323,37	59882	29304	30578	15201,9	17733,1	12776,1	11594,8	13449,1	9817,63
Between 50 - 54	76137	37663	38474	13677,57	15820,43	11579,88	62980	31900	31080	15239,5	17419,7	13001,7	11543,3	13100,3	9945,22
Between 55 - 59	37687	26163	11524	14789,1	16032,42	11966,37	30155	22006	8149	16924,4	17709,4	14804,4	12656,1	13222,4	11127
between 60 - 64	9214	5995	3219	12823,29	15768,47	7338,24	5330	4084	1246	18497,6	20314,9	12541,1	13474,9	14787,1	9173,97
65 and more	6227	3911	2316	7510,37	8873,84	5207,89	2442	1781	661	12613,6	13656,9	9802,7	9125,96	9841,77	7197,26
At the age of 55 and older – old age pension	15043	5561	9482	7484,89	8110,59	7117,93	6174	2325	3849	12210	12861,4	11816,5	8863,83	9247,66	8631,98
Average age of employees	41,14	41,30	40,97				41,60	41,70	41,48						

Article 7, paragraph 6

„With a view to ensuring the effective exercise of the right of children and young persons to protection the Contracting Parties undertake:

to provide that the time spent by young persons in vocational training during the normal working hours, with the consent of the employer, shall be treated as forming part of the working day;"

Question A

Please indicate the relevant regulations or collective agreements providing that the hours spent by young persons in their vocational training during normal working hours with the consent of the employer shall be treated as forming part of the working day, and specify, as far as possible, the time allowed to young persons for this purpose.

With regard to school leavers, the provision of Article 144 of the Labor Code determines that employers provide for the school leavers of secondary schools and universities, within the employment relationship, an appropriate vocational practice, so that they can achieve practical skills and knowledge necessary for good and reliable performance of their work and for further professional development.

Provision of Article 141a determine the obligation of all employees to enhance systematically their qualifications for the performance of work agreed within the employment agreement. Enhancing of qualifications represents also the retention and renewal of qualifications. The employer is entitled to assign the employee with a participation in the *enhancement of qualifications*; in such case the participation at training and studyingis ***considered as the performance of work,*** for which the employee is entitled to a wage (provision of Article 126, paragraph 2). The legislation relating to the participation of employees in training and studying is embodied in provision of Article 126. According to this provision, the participation in training and studying during which the employee is to *gain prerequisites, set by statutory provisions or requirements, necessary for the due performance of work agreed in employment agreement, are considered* ***an impediment in work on the part of the employee,*** i.e. this is not the performance of work. The Notification of the Ministry of Education No. 140/1968 Coll., on Work Reliefs and Economical Security of Employed Students, determines the provision of work reliefs and material security of studying employees and of employees participating in a training, and determines the amount of compensatory wage provided for the period of this training. The compensatory wage is provided in the amount of the average earnings. In case the work reliefs and the material security of employees participating in a training and studying are not regulated by a statutory provision, they can be determined in a higher degree collective agreement . Within the collective agreement more advantageous conditions for the provision of work reliefs and material security than those determined by statutory provisions, can be agreed. Compensatory wage however cannot exceed the amount of average earnings and the compensation of travel expenses cannot exceed the amount determined by the labor law regulations. Only more advantageous conditions regarding to entitlements to time off without a compensatory wage can this way be determined or arranged for the emploeyers who are not engaged in business activity.

The employer can, in compliance with the provision of Article 142b, provide work reliefs and material security to an employee whose assumed *enhancement of qualifications*

(its obtaining or expansion) is in compliance with the needs of the employer. The employer can also **enter into an *agreement*** with the employee, in which the employer commits to enable the employee the enhancement of qualifications by providing work reliefs and material security, and the employee commits to enhance his qualifications and remain with the employer in an employment relationship for a certain period, at the longest for the period of five years, or settle the costs associated with the enhancement of the qualifications, even if the employee terminates the employment relationship prior to the enhancement of qualifications (provision of Article 143, paragraph 1 of the Labor Code).

Question B

Please indicate whether the time devoted to vocational training is paid and on what basis.

This question is answered within the framework of answer to question A and question of the Article 7, paragraph 5 (A).

Question C

Please indicate whether the measures described apply to all categories of young people at work. If this is not the case, please give an estimate of the proportion of young people not covered and, if possible, indicate the categories concerned.

The above mentioned measures relate to all categories of workers.

Question D

Please indicate, where appropriate, why certain workers are not covered, and whether special measures have been taken on their behalf.

All categories of workers are covered by the above mentioned provisions.

Question E

Please indicate the measures taken to implement in practice the relevant legislation and regulations.

The labor offices are authorized with the inspection of the meeting of the labor law regulations (see answer to the question of the Article 2, paragraph 1 (A)).

Article 7, paragraph 7

„With a view to ensuring the effective exercise of the right of children and young persons to protection the Contracting Parties undertake:

to provide that employed persons, under 18 years of age shall be entitled to not less than three week's annual holiday with pay;"

Question A

Please indicate the minimum duration of annual holiday with pay for workers under eighteen years of age.

The Labor Code does not distinguish the length of annual holiday with pay in relation to the age of employees. The minimum length of annual holiday with pay of all employees is four weeks (provision of Article 102, paragraph 1 of the Labor Code). Employees of employers who do not engage in business activity are entitled to holidays longer by one week. Employees of employers, who engage in business activity, can in a collective agreement or in an internal regulations extend their employees´ leave by another weeks above the basic assessment.

The issue of annual holiday with pay was dealt with in more detail in answer to questions of the article 2, paragraph 3.

Question B

Please indicate how this provision is implemented in your country.

The right of employees to annual holiday with pay and its allocation is embodied in provision of Article 101 and the following provisions of the Labor Code.

Question C

Please indicate whether the measures described are applicable to all categories of workers under eighteen years of age. If this is not the case, please give an estimate of the proportion of those not covered and, if possible, indicate the categories concerned.

The above-described measures relate to all workers.

Question D

Please indicate where appropriate why certain workers under eighteen years of age are not covered, and whether special measures have been taken on their behalf.

The above-described measures relate to all workers.

Question E

Please indicate the measures taken to implement in practice the relevant legislation and regulations.

The labor offices are authorized to inspect the meeting of the labor law regulations (see answer to question of Article 4, paragraph 3 (C)).

Article 7, paragraph 8

„With a view to ensuring the effective exercise of the right of children and young persons to protection, the Contracting Parties undertake:

to provide that persons under 18 years of age shall not be employed in night work with the exception of certain occupations provided for by national laws or regulations;“

Question A

Please indicate the hours to which the term "night work" applies in your country´s regulations for the purpose of such prohibition.

The Labor Code in wording valid in the referential period distinguishes both night work and the so-called work at night. **Night work** is work performed in the so-called night time, i.e. time between 22:00 and 6:00. **Employee working at night** is an employee performing work requiring that it is regularly performed at night within the extent of at least four consecutive hours.

The valid wording of the Labor Code expands these provisions. It determines than an employee working at night is an employee who during night time regularly works at least three hours of his working time within 24 consecutive hours. If it is not possible due to operational reasons the employer is obliged to spread the determined weekly working time so that the average length of a shift does not exceed 8 hours within the period of at maximum 6 calendar consecutive months.

Question B

Please list the types of night work which persons under eighteen years of age are authorised to perform either generally or with special permission.

Provision of Article 166, paragraph 1 of the Labor Code determines that an employer must not employ minors in work at night. Exceptionally, the minors older than 16 years of age can perform night work not exceeding one hour, if it is necessary for their vocational training. Night work of a minor must immediately link to his work falling according to the work shifts schedule on daytime.

Question C

Please describe the scope of these exceptions and, in particular, the maximum duration and the age under which such derogations cannot be made.

Variances are admissible only for minors older than 16 years of age. The maximum period of work at night is one hour (see answer to question B).

Question D

Please indicate the hours during which night work by young persons is prohibited in all circumstances.

Night work of a minor older than 16 years of age must directly link up to his work falling according to the work shifts schedule on daytime. The night time is the time between 22:00 and 6:00. From this arises, that night work is for minors older than 16 years of age possible only in the period between 22:00-23:00 and 5:00-6:00.

Question E

Please indicate whether the measures described are applicable to all categories of workers under eighteen. If this is not the case, please give an estimate of the proportion of those not covered and, if possible, indicate the categories concerned

The above-described measures relate to all categories of workers under 18 years of age.

Question F

Please indicate the measures taken to implement in practice the relevant legislation and regulations.

The violation of the prohibition to employ minors

- in night work occurs mostly in services of catering and accommodation, food industry (bakery, dairy industry), trade;
- in overtime work occurs mostly during seasonal work in agriculture and food industry (canning industry);
- in work inappropriate to their physical development occurs mostly in trade with goods manipulation in warehouse and when restocking supplies of goods on shelves.

The violation of the prohibition to remunerate minors for work in the form of task wages (see provision of Article 166, paragraph 2 of the Labor Code) occurs mostly in machinery industry and in building industry.

In case when it is ascertained that minors are employed in work at night (or in overtime work, or work inappropriate to their physical development and the like), the employer is strongly notified about the violation of the statutory provisions, the finding is registered in a protocol on the carried out supervision and a sanction is imposed in the form of a fine. If a specific individual is proven to be at fault, a personal sanction is imposed to this person in accordance to the provision of the Article 6 of the Act No. 174/1968 Coll., on the State Specialized Supervision of Work Safety, as subsequently amended (for more information see answer to question of the Article 3, paragraph 2 (A)).

Article 7, paragraph 9

„With a view to ensuring the effective exercise of the right of children and young persons to protection, the Contracting Parties undertake:

to provide that persons under 18 years of age employed in occupations prescribed by national laws or regulations shall be subject to regular medical control;"

Question A

Please indicate in which occupations regular medical examinations are stipulated for persons under eighteen years of age.

Regular medical check-ups are, according to provision of the Article 168 of the Labor Code, compulsory for all employees under 18 years of age prior to the entry into the employment relationship and prior to their transfer to another work for a period longer than one month, and further regularly when needed, however, at least once a year, unless the Ministry of Health determines more frequent medical checkups in certain categories of work. Employees are obliged to go for these medical check-ups. Not meeting this duty can be sanctioned as a violation of work discipline. Not meeting of this obligation of providing the medical check-up on the part of the employer represents a violation of law, the sanction is a fine imposed by the competent state authority – the labor office (for more detail see answer to question of Article 2, paragraph 1 (A)).

Question B

Please indicate the conditions in which and how often these examinations are made.

The question was answered within the framework of answer to question A.

Question C

Please indicate the measures taken to implement in practice the relevant legislation and regulations.

The meeting of the statutory provisions in the area in concern is inspected by the competent labor office. The competent labor office can impose a fine for not meeting the obligation of providing medical checkups (for more detail see answer to question of the Article 3, paragraph 2 (A)).

Article 7, paragraph 10

„With a view to ensuring the effective exercise of the right of children and young persons to protection the Contracting Parties undertake:

to ensure special protection against physical and moral dangers to which children and young persons are exposed, and particularly against those resulting directly or indirectly from their work.“

Question A

Please describe the work which is considered, either directly or indirectly, as constituting a danger to the health or morals of young persons.

Provision of Article 167 embodies a prohibition of employing minors in work, which is inappropriate to them or dangerous or damaging to their health, taking into account the anatomical, physiological and psychological attributes of persons of this age. The minors are expressly prohibited to be employed in work overtime, to work at night and to work underground. At the same time there is prohibition of using such a method of remuneration for work, during which they are exposed to an increased risk of injury, the use of which would result along with enhancing the work results in endangering the safety of the minor employees.

Further prohibitions of work are determined by the Notification of the Ministry of Health No. 261/1997 Coll., which regulates in particular the prohibitions during transportation and carrying of loads, work in difficult conditions given by working environment, work with toxic and chemical substances that have adverse impact on the health of the minor.

In compliance with the provision of the Article 163 of the Labor Code, the employers are obliged to create beneficial conditions for the general development of the physical and mental abilities of the minor employees, and work closely with their parents to resolve important work issues. The employer is for instance obliged to request the opinion of the parents of the minor on the concluding of an employment agreement. In case of a notice or immediate termination of an employment relationship on the part of the employer the employer is obliged to notify the parents about this fact.

Question B

Please describe the measures to protect young persons who are in fact exposed to physical or moral danger at their work.

Please describe, in particular, the measures taken (stopping of work, transfer, vocational guidance, etc.) when a physical disorder is noted in young persons in the course of their work.

Labor Law regulations provide an increased protection to minors, which is demonstrated in particular by the determination of prohibition of some work for minors, the prohibition of overtime work and work at night (see answer to question of the article 7, paragraph 2), and by the determination of the regular medical checkups (see answer to question A).

Apart from provisions that apply solely to minor employees, the general provisions of the Labor Code also apply to the minors. In the field in concern, this is mainly the provision of Article 135, which authorizes an employee **to refuse the performance of work** which he reasonably considers as posing direct and significant threat to his life of health, or as the case be, to life or health of other persons. Such refusal cannot be assessed as not meeting duties on the part of the employee.

Provision of the Article 37 of the Labor Code embodies the duty of an employer **to transfer an employee to another work** if in the opinion of a medical expert or according to a ruling of the state health administration or social security authority, his state of health is such that he can no longer continue in his current work in the long-term, or that he cannot be permitted to perform such work because he is suffering from, or threatened by, an occupational disease, or, according to a ruling of the competent agency concerned with public health protection he has been subjected at the workplace to a maximum permissible level of exposure. This provision is linked to the provision of Article 54, which enables the employee to **immediately terminate his employment relationship** if, according a medical expert opinion, he can no longer perform his work tasks without seriously jeopardizing his health and the employer has not transferred him to appropriate work within 15 days of the submission of such a medical opinion.

Question C

Please give a summary of the measures taken in order to protect young people outside work.

There are no specific measures to protect minors outside the work place. There is however, a system of providing social and legal protection that applies to all minor persons. The provision of social and legal protection is regulated by Act. No. 359/1999 Coll., on Social and Legal Protection of Children, that became effective on 1st of April 2000. This act establishes the obligation of state bodies and authorized persons to help children who would be exposed to a possible jeopardy. Help to children is provided, for instance, through consulting activity, creating various programs aimed at prevention of the effect of socially negative phenomena and imposing measures to children, their parents, or other persons who would jeopardize the child‘s development (for more detail see answer to question E).

Question D

Please indicate the measures taken to protect children and young persons against all forms of violence, exploitation or ill-treatment (including sexual abuse) to which they may be subjected, including within the family.

Please indicate the extent of the problem (if possible, with data) and the measures taken or planned in order to guarantee children and young persons the protection to which they are entitled, including not only preventive but also other measures. Please also describe the preventive measures taken against smoking, drug and alcohol abuse, including multiple addiction, as well as against sexually transmitted diseases.

Measures relating to the protection of children against violence, exploitation and maltreatment are, within the Czech legal system, embodied as preventive and repressive measures. Preventive measures are embodied, in particular, in the Act No. 359/1999 Coll., on Social and Legal Protection of Children which defines the competencies of the state bodies and other persons in the area of consulting and preventive activity. It also regulates the

imposing of measures that can be considered a moderate form of repressive measures (see reply to question E).

In association with the adoption of the Act on Social And Legal Protection of Children some statutory provisions were amended, as for instance the **Act No. 200/1990 Coll., on Transgressions.** According to this act, the following is considered to be a transgression; to leave a child without the due supervision appropriate to its age, intellectual development or as the case may be health condition, that will result in exposing the child to jeopardy of damage to its health, the use of an inappropriate measure, with regard to a minor child with the intention to lower its dignity or the exploitation of children for physical work inappropriate to their age and the degree of their physical and intellectual development. It is possible to impose a fine for these transgressions of up to the amount of 10,000 CZK.

Maltreatment of children, which establishes a criminal act, can be sanctioned by sanctions presented in the **Act No. 140/1961 Coll., The Penal Code.** The following acts are considered as such act; criminal act of abandoning a child (provision of the Article 212), criminal act of due child support neglecting (provision of Article 213), criminal act of tormenting a person given into someone's custody (provision of Article 215), criminal act of abduction (provision of Article 216), criminal act of trade with children (provision of Article 126a), criminal act of jeopardizing the moral upbringing of minors (provision of Article 217), criminal act of serving alcoholic drinks to minors (provision of Article 218) and the criminal act of sexual abuse (provision of Articles 242 and 243).

As another measure aimed at the protection of children in this area, we can mention the **National Plan of Fighting Commercial Sexual Abuse of Children,** which was adopted by the Government of CR on 12th July 2000 by the Decision No. 698. This material, prepared by the Ministry of Interior, establishes many tasks for the individual departments. This relates, in particular, to the improving the legislative tools for elimination of commercial sexual abuse of children, improving the cooperation in the area of public education and prevention, increasing the effectiveness of prosecution of persons, who participate in the commercial sexual abuse of children, creating the prerequisites for faster identification of victims of commercial sexual abuse, and strengthening their protection and re-socializing.

The **ratification of the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption**, of 11th February 2000, contributes to the protection of children. The objective of this convention was the provision of international adoptions in compliance with the requirements stipulated by the Convention of the Rights of the Child, and the creation of a system of cooperation among the contractual countries, in order to prevent abductions, selling, and trading children.

Another significant step towards the protection of children from negative factors, is the admission of the CR to **the Convention on the International Labour Organization No. 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor,** which, on the part of the CR will become valid on the 19th of June, 2002.

Statistical data on the occurrence of physical and mental torture and sexual abuse are presented in the following table.

Physical and mental torture and sexual abuse of children (cases reported to the department of care for children and family of the district authorities)

	PHYSICAL TORTURE				*MENTAL ABUSE*				*SEXUAL ABUSE OF CHILDREN*			
		Of which:				Of which:				Of which:		
Year	**Number**	**Parent**	**Family members**	**Other person**	**Number**	**Parent**	**Family members**	**Other person**	**Number**	**Parent**	**Family members**	**Other person**
1994	159*	112	xxx	xxx	49*	43	xxx	xxx	312*	63	xxx	xxx
1995	176*	126	xxx	xxx	54*	44	xxx	xxx	328*	76	xxx	xxx
1996	575	392	172	11	173	131	37	5	558	162	137	xxx
1997	600	437	127	36	169	106	37	26	520	122	127	271
1998	641	441	161	39	192	162	26	4	593	125	130	338
1999	662	455	154	53	224	155	49	20	638	131	140	367
2000	530	361	132	33	213	165	40	8	614	98	111	405

**in 1994 and 1995 only the number of proved cases was monitored, while in the following years, reported cases are monitored*

Question E

Please supply all relevant information concerning the bodies responsible for supervising the application of these provisions (in particular the social service and judicial bodies) and how they function, and on the methods employed to carry out such supervision (enquiries, etc.)

The elementary statutory provision, regulating the protection of rights and justified interests of children, is the Act No. 359/1999 Coll., on Social and Legal Protection of Children. A child, in accordance to the Act on Social and Legal Protection of Children, is a minor person, i.e. person under 18 years of age, if he/she did not reach majority earlier by concluding marriage (provision of Article 8 of the Act No. 40/1964 Coll., the Civil Code).

Act on Social and Legal Protection defines the competencies of the bodies of the state administration and the local government in the area in concern. The act entrusts most of the tasks to the municipalities and district authorities. The remaining activities are provided by the regions, the Ministry of Labor and Social Affairs, the Office for the International Law Protection of Children. A specific range of activities was entrusted with legal entities and individuals, if they are authorized with the social and legal protection.

The Act on Social and Legal Protection of Children defines the **measures of social and legal protection,** among which there is the preventive and consulting activity. The act entrusts the decisive competencies, in the area of preventive and consulting activity, with the municipalities and district authorities. The municipality is in particular obliged to seek endangered children and report them to the district authority, to appeal to the parents so that they fulfill the obligations arising from parental responsibilities, to discuss with parents and children the elimination of shortcomings in the upbringing of the child, to monitor, whether the access to the environment hazardous to their development is prevented, and to provide parents consulting upon their request.

The municipality is obliged to aim its attention to the use of the children's leisure time, to children seeking contacts with persons consuming alcohol and another drugs, to monitor the children's displays of intolerance and violence with regard to their environment, to pay attention to children from families with low social standards, to prevent infiltration of adverse social factors into other groups of children, to offer children programs for utilization of their leisure time, to cooperate with schools, authorized persons and interest organizations.

The act entrusts the municipality with certain decision-making powers. These consist of imposing so-called **educational measures,** among which there is the admonishment, surveillance and restriction. Admonishment as a once off act is the most moderate form of a measure aimed at the protection of the child. In cases when a long-term monitoring and directing of the child‘s upbringing is necessary, the surveillance is ordered. The last educational measure is the restriction. It should prevent the child to spend time in environment that is evidently harmful to the child. The aforementioned educational measures can also be imposed by court.

Apart from the above-mentioned activity, the municipality has also other significant competencies and obligations. These are, for instance, to monitor the meeting of measures applied by the municipality, to monitor upon the court request the meeting of measures adopted by court, to provide children who are without care with immediate care, to take measures for the protection of life and health of a child who is a foreigner and to provide for its elementary needs, to establish special consulting child care services and the establishments of social educational activity, establishments for children requiring an immediate help, educational recreation camps for children, establishments of foster care, to deliver reports on request of court as for the background of the child, to recommend to court a suitable person for becoming a guardian to the child and report this to the district authority.

The district authority is entrusted, in particular, with the execution of consulting activity. This activity encompasses the assistance to parents or other individuals and legal entities in resolving educational problems, the provision and mediation of consulting for the purposes of child‘s upbringing or education, and for the purposes of care for children with a health handicap, organizing consulting lectures and courses, providing preparation of persons suitable for becoming adoptive and foster parents, and providing consulting to these persons. Among other competencies and obligations of the district authority, there are, for instance, the obligation to monitor the adverse factors affecting children and establish their causes, to impose parents or other individuals the obligation to use the consulting services. These are also to assess whether, in case a child without care appropriate to its age gets into a health care establishment, all his rights and basic needs are provided for, to take urgent actions in the interest of the child and in its proxy at the time when a guardian has not been appointed to the child , to submit to court a proposal for the assessment of child support for children entrusted into foster care and to submit a proposal for the execution of a court decision if the child support is not paid, to monitor the development of children who were entrusted into custody of persons other than their parents, to monitor the fulfillment of rights of a child committed into institutional care establishments, to visit a child committed into institutional care, to cooperate with labor offices during the placement of a child in a suitable employment, to participate in criminal proceedings against a minor, to visit a child under arrest, sentenced to imprisonment, to submit proposals to the court, to appeal on the minor’s behalf against decision rendered in transgression proceedings and discuss with the child its options for employment.

Social workers are authorized to visit the child and the child’s family, as well as their residence. They are authorized to survey at the place of the residence of the child, at school and in school establishment, in health establishment, in employment or in other environment, where the child spends time, the due care of both parents and other persons responsible for the child’s upbringing, the social conditions in which the child lives and the child’s behavior. They can also make photos and sound recordings of the child and the environment, in which the child spends time, if it is necessary for the purposes of the protection of the child‘s rights.

In order to enable the bodies of social and legal protection to effectively execute the tasks entrusted them by law, the law assigns the state bodies, employers, other legal entities (in particular schools, educational, health and other similar establishments), individuals (if

they run schools and other establishments mentioned above) and other legal entities and individuals, authorized with the execution of the social and legal protection, with the duty of supplying the bodies of social and legal protection for free with data necessary according to the act on social and legal protection for the provision of social and legal protection. Parents are also obliged to cooperate with the bodies of social and legal protection.

The Act on Social and Legal Protection expressly embodies the right of everyone to notify the body of social and legal protection about the violation of obligations or abuse of rights arising from statutory provisions on social and legal protection of the child. The act also embodies the right of the child to ask the bodies of social and legal protection, the defined state authorities and other closely specified legal entities and individuals for help with the protection of its life and other rights, and these persons are obliged to provide the corresponding help.

In case of several categories of children the Act on Social and Legal Protection specifies in more detail the rights and obligations of the body of social and legal protection. For instance, in the case of children who were legally placed in institutional care or imposed with protective care, the employee of the district authority is obliged to visit the child at least once in 6 months. The employee is entitled to speak to the child without the presence of other persons, and in case the statutory provisions were violated, he is obliged to notify the competent bodies without any delay. The competent district authority is obliged to monitor whether the ascertained shortcomings were eliminated.

Apart from the aforementioned competencies, the bodies of social and legal protection (in particular the district authorities) have at their disposal important rights with regard to **courts,** as they are bodies who also participate, to a large extent, in the protection of rights of children and minors. The district authority submits inputs to the court on measures relating to the upbringing of children, and also (under conditions stipulated by the Act No. 94/1963 Coll., on Family) proposals, i.e. in particular the proposals for the restriction or deprivation of parental responsibility, for the imposing of institutional care, for extending or termination of institutional care, as well as proposals for the termination of these measures.

Measures restricting the parental responsibility can be imposed only by the court. The Act on Family defines the conditions under which the court can restrict the parental responsibility or deprive the parent of it completely. In cases a parent commits a criminal act against his child or uses his child under 15 years of age to commit a criminal act, or as the case may be he commits a criminal act as an accomplice, or becomes an accessory to the act, or assists in the act committed by his child, the court will always assess whether there are reasons to initiate the proceedings leading to deprivation of parental responsibility.

List of sources to the Article 7:

- *Act No. 65/1965 Coll.,* ***the Labor Code,*** *as amended*
- *Act No. 29/1984 Coll.,* ***on the System of Elementary Schools, Secondary and Higher Professional Schools (School Act),*** *as amended*
- *Act No. 9/1991 Coll.,* ***on Employment and on Activities of the Authorities of the Czech Republic in the Sector of Employment,*** *as amended*
- *Act No. 200/1990 Coll.,* ***on Transgressions,*** *as amended*
- *Act No. 140/1961 Coll.,* ***the Criminal Code,*** *as amended*
- *Act No. 1/1992 Coll.,* ***on Wages, Remuneration for Stand-by and on Average Earnings,*** *as amended*
- *Act No. 143/1992 Coll.,* ***on Salary and Remuneration for Stand-by in Budgetary and some Other Organizations,*** *as amended*
- *Act No. 359/1999 Coll.,* ***on Social and Legal Protection of Children,*** *as amended*
- *Act No. 40/1964 Coll.,* ***the Civil Code,*** *as amended*
- *Act No. 94/1963 Coll.,* ***the Family Act,*** *as amended*
- *Ministry of Health Notification No. 89/2001 Coll.,* ***Determining the Conditions for Classification of Work into Categories, Limit Levels of Indicators of Biological Exposition Tests and Requisites of Reports on Work with Asbestos and Biological Agents,***
- *Ministry of Health Notification No. 261/1997 Coll.,* ***Determining Work and Work Places Prohibited to All Women, Pregnant Women, Mothers until the Ninth Month after Giving a Birth and to Minors, and Conditions under Which Minors Can Exceptionally Perform This Work Due to Vocational Training,***
- *Government Decree No. 303/1995 Coll.,* ***on Minimum Wages,*** *as amended*
- *Government Decree No. 333/1993 Coll.,* ***on Determination of the Minimum Wage Tariffs and Extra Wage for Work in Difficult Working Environment and Working Environment Hazardous to Health and for Work at Night,*** *as amended*
- *MEYS Notification No. 315/1991 Coll.,* ***on Financial and Material Security of Pupils of Secondary Vocational Schools, Special Secondary Vocational Apprenticeship Schools, Special Apprenticeship Schools and Apprenticeship Schools,*** *as amended*
- *MEYS Notification No. 140/1968 Coll.,* ***on Work Relieves and Economical Security of Employed Students,*** *as amended.*

- ***Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption,***
- ***Convention of International Labor Organization No. 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour .***

ARTICLE 8: THE RIGHT OF EMPLOYED WOMEN TO PROTECTION

Article 8, paragraph 1

„With a view to ensuring the effective exercise of the right of employed women to protection, the Contracting Parties undertake:

to provide, either by paid leave, by adequate social security benefits, or by benefits from public funds, for employed women to take leave before and after the childbirth up to a total of at least 12 weeks;"

Question A

Please indicate the length of maternity leave, showing, where appropriate, its division before and after confinement.

Legislation relating to maternity leave is embodied in Act No. 65/1965 Coll., the Labor Code. Provision of Article 157 stipulates that the period of maternity leave amounts to 28 weeks. If a woman gives birth to two or more children at the same time or if a woman is single parent, the period of maternity leave amounts to 37 weeks.

A woman starts her maternity leave, as a rule, at the beginning of the sixth week before the expected day of childbirth, but no earlier that the beginning of the eighth week before this day.

Maternity leave relating to a childbirth must never be shorter than 14 weeks and must not, in any case, be terminated or interrupted (for instance, by the transfer of the child to a infant care institution or other treatment institutions) prior to the completion 6 weeks from the day of the childbirth.

Question B

Please indicate whether in some cases the total duration of leave before and after confinement is less than twelve weeks.

The question was answered within the answer to question A.

Question C

Please indicate whether the benefits during maternity leave are provided in the form of paid leave (if normal pay is reduced, please indicate the amount), under a social security system or from public funds, stating whether the payment of benefits is subject to conditions and if so, which.

For the duration of maternity leave provided to a female employee, in association with a childbirth and care for the newborn infant, or, as the case may be, in association with accepting

a child into care thus replacing the care of parents, the female employee is entitled to financial assistance in motherhood (hereinafter „financial assistance"). This is a benefit of the health insurance provided within the framework of the system of social security. The financial assistance is provided, instead to a female employee, also to a single, widowed, divorced or due to other serious reasons single male employee who does not live with a female partner if he is taking care of a child (children), based on a decision of a competent body, or if the child's mother died. The benefit in concern is also provided to an employee, with a child under his care, if his wife is not provided with financial assistance, and she cannot, or is not allowed, based on an opinion of a medical report, to take care of the child. In compliance with the provision of Article 32, citizens who are registered in the register of applicants for an employment are also entitled to the financial assistance.

Legislation relating to the entitlement to the financial assistance, determination of its amount and conditions for its provision, is embodied in the Act No. 88/1968 Coll., on Extension of Maternity Leave, on Maternity Benefits, and Child Allowances Paid of Sickness Insurance (in particular in provisions of Articles 3, 6 up to 12a, 32 up to 34), and in the Act No. 54/1956 Coll., on Employees´ Sikness Insurance (in particular in provisions of Articles 2, 7 and 8, 18, 40 and 42).

The basic condition for the recognition of entitlement to financial assistance is that the entitled person, at the time of gaining the right to the financial assistance, was participating in the health insurance (the range of insured persons is defined in provisions of Articles 2 and 3 of the Act on Employees Sikness Insurance) or, as the case may be, that after the termination of the participation in insurance, at the time of the arising of the entitlement to the benefit, the protective period was still effective. The protective period amounts to 6 months, with pregnant women (with the aforementioned men 42 days). It is also necessary that the entitled person was, within the period of last two years before the childbirth (or, as the case may be, before accepting a child into care) participant of the health insurance of at least 270 calendar days. Periods of insurance gained outside the territory of the Czech Republic do not, however, account into this required period. Earlier periods, in which the female employee before the childbirth was registered in the register of applicants for employment, do account into this period.

Due to the fact that the purpose of this financial assistance is the compensation for wages (salary) from a specific employer, the benefit is also provided if the entitled person, as an exception, works during the period of the maternity leave for other than the current employer. If a woman does not become entitled to the financial assistance, the competent medical doctor shall decide of her inability to work due to her pregnancy and motherhood, and for the period of work incapacity she is provided sickness benefits from the beginning of the sixth week before the expected day of the childbirth, as long as she meets the conditions for the provision of sickness benefits.

The period of maternity leave and the period for which the employee draws on the parental leave, until the time for which the woman is entitled to draw the maternity leave, is considered as execution of work (provision of Article 40 of the Government Decree No. 108/1994 Coll., Implementing the Labor Code and several other Acts).

Question D

Please indicate, in circumstances where part or all of benefits payable during maternity leave are not covered by paid leave, the amount of social security benefits or benefits from public funds in monetary terms and, as appropriate, as a percentage of the wages previously paid to the worker.

The financial assistance is provided in the amount of 69% of the previous income from the employment establishing participation in the health insurance. The assessment of the amount of the financial assistance is based on the daily assessment base, i.e. the total of incomes from employment before tax, that were accounted by the employer in the decisive period. In most cases this relates to the period of the calendar quarter prior to the start of the maternity leave, or as the case may be, of the acceptance of a child into the employee‘s care. The amount of the daily assessment base, which is the groundwork for the calculation of the financial assistance, is reduced. According to the provision of Article 18 of the Act No. 54/1956 Coll., on Employees´ Sikness Insurance , as amended, the reduction is carried out in the following manner; 60% of the difference between the amounts of 690 and 480 CZK is added to the daily amount of 480 CZK (which is fully included). The amounts exceeding 690 CZK are not taken into respect for the purposes of the assessment of the daily assessment base (effective of 1.1.2002 the limits were increased; the legislation stipulated that, if the daily assessment base exceeds the amount of 400 CZK, the amount of 400 CZK is accounted for in the full amount, from the amount between 400 CZK and 590 CZK, 60% is accounted, and amount exceeding 590 CZK is disregarded).

When achieving the total of gross income, the amount of which reaches in the daily average limit of 690 CZK, the proportion of the financial assistance to the net income of the entitled person amounts to 77%. This proportion with the increasing total of gross incomes is gradually decreasing. As opposed to when achieving gross incomes lower than 690 CZK of the daily average, the amount of financial assistance to the net income amounts, in the individual cases up to 89%.

The financial assistance is paid for each calendar day of the maternity leave. This benefit calculated based on the incomes before tax, though reduced in accordance to their amounts, is not taxed and is provided for all the period of maternity leave in an unchanged amount. The reduction limits decisive for the assessment of the daily assessment base have been since 1999 valorized each year by the Government depending on the growth of the average wages in the Czech Republic.

For more detail on the financial assistance for maternity see also answer to questions of Article 12, paragraph 2.

In case, the woman does not become entitled to the social security benefits (financial benefit in maternity), she is secured by the system of the state social support, or as the case may be, by social care.

Parental allowance (see also answer to Article 16)

The legislation is embodied in provision of Article 30 and the following provisions of the Act No. 117/1995 Coll., on the State Social Support.

A parent who personally, daily and duly takes care of at least one child under the age of 4 or under the age of 7, if it is a child that has a long-term health handicap or that has a serious long-term health handicap, is entitled to parantal allowance. A person who accepted a child into permanent care, replacing the care of parents, if it is an adopted child, a child

accepted into care based on the decision of a competent authority, a child, whose parent died or a child of a spouse, is also considered a parent.

The amount of the parental allowance amounts per a calendar month to the product of the amount for personal needs of the parent, who is entitled to the parental allowance, and of the coefficient 1.10. Within the referential period the amount of parental allowance amounted to 2.409 CZK, or as the case may be 2,541 CZK in the case of an unprovided parent.

Social allowance (provision of Article 20 and the following provisions of the Act No. 117/1995 Coll.)

Entitlement to social allowance arises for a parent taking care for at least one unprovided child with the exception of a child entrusted into foster care, including an unprovided child who is entitled to the benefit for the settlement of the child's needs after reaching majority of the child, or of a child that is fully and directly provided for by an institution (establishment) for care for children or the youth, if the decisive income in the family is lower than the product of the amount of the minimum subsistence amount and of coefficient 1.60. The social allowance is in more detail discussed in answer to Article 16.

Childbirth allowance (provision of Article 44 and the following provisions of the Act No. 177/1995 Coll.)

This is a onetime allowance. A woman who gave a birth to a child or a father of the child are entitled to this allowance if the woman who gave the childbirth died and the childbirth allowance was not paid to her nor to another person. The entitlement to the childbirth allowance belongs from the day of accepting the child also to a person who accepted the child under 1 year of age into permanent care replacing the care of parents. The manner of assessment of the childbirth allowance was described in the answer to Article 16.

Question E

Please indicate any sanctions that may be imposed on an employer failing to observe this provision, and state whether the employed woman has the option of voluntarily giving up all or part of her maternity leave.

Maternity leave, in association with childbirth, must never be shorter than 14 weeks and must, in no case, be terminated or suspended before the expiration of 6 weeks from the day of childbirth (Article 157, paragraph 5 of the Labor Code).

Labor office is authorized to impose to employers, at fault of the violation of labor law provisions the fine of up to 250,000 CZK, and in case of a repeated violation of the obligations, for which the fine was imposed, up to 1,000,000 CZK. When imposing the fine, the severity of the violation, the degree of fault and the circumstances under which the violation occurred are taken into account. The fine cannot be imposed if the employer was for the same violation of generally serious statutory provisions already fined, or if another property sanction was imposed by another authority, in accordance to special provisions (provision of Article 9 of the Act No. 9/1991 Coll., on Employment and on Activities of the Authorities of the Czech Republic in the Sector of Employment).

Question F

Please indicate the protection to which women employed on fixed-term contracts in your country are entitled, including nationals of the other Contracting parties to the Charter.

Female employees with employment relationship for a fixed period (and, as the case may be, nationals of the other contracting parties to the Charter) are entitled to maternity leave under the same conditions as female employees with employment relationship for an indefinite period.

Article 8, paragraph 2

„With a view to ensuring the effective exercise of the right of employed women to the protection, the Contracting Parties undertake:

to consider it as unlawful for an employer to give a woman notice of dismissal during her absence on maternity leave, or to give her notice of dismissal at such a time that the notice would expire during such abstence".

Question A

Please indicate what arrangements exist to give effect to this provision.

The Labor Code defines cases when the employer cannot give a notice during the protective period. As protective period is also considered the period, when female employee is pregnant or when female employee is on maternity leave or when a female employee or male employee permanently takes care of at least one child under the age of three.

If the employee was given a notice prior to the start of the protective period, so that the notice period would expire during this period, the protective period is not accounted in the notice period. The employment relationship is terminated only after the expiration of the remaining part of the notice period, and after the expiration of the protective period, unless the employee states that he/she does not insist on extending the employment relationship.

The prohibition of a notice however is not absolute. It does not apply to organizational changes specified in Article 46, paragraph 1 (a) and (b) of the Labor Code (see answer to the question of the Article 4, paragraph 4 (A)), and to the notice given to an employee due to a reason for which the employer can immediately terminate the employment relationship unless it corncens a female employee on maternity leave or an employee during the period of drawing parental leave, until the time for which the woman is entitled to draw maternity leave. In case a notice was given to a female employee or a male employee, due to this reason, prior to the beginning of the maternity leave (parental leave), so that the notice period expires during this maternity leave (parental leave), the notice period finishes at the same time as the maternity leave (parental leave).

There is also a special legislation relating to the protection of carrier soldiers for reasons of maternity and childcare. As provided in provision 20 of Act No. 221/1999 Coll., female soldiers for the period of their pregnancy, and male or female soldier in case they take care of a child under the age of 3, are also protected from being dismissed from a service relationship.

Question B

Please also indicate the sanctions provided for dismissals in breach of this provision.

Inspection activity of the labor offices as for the meeting of the labor law provisions and the possibility of an employee to claim at court the invalidity of a notice, was described within the framework of answer to the question of Article 2, paragraph 1 (C).

Question C

Please indicate if reinstatement is ensured in cases of dismissal in breach of this provision and, in the exceptional cases where this is not possible, the amounts of compensation awarded.

The employee's option to claim the invalidity of a notice of termination and the claims that arise as result of the invalid notice, were described within the framework of answer to the question of Article 4, paragraph 3 (C).

Question D

Please indicate the protection to which women employed on fixed-term contracts in your country are entitled, including nationals of the other Contracting parties to the Charter.

Employment relationship for a definite period finishes by the expiry of the agreed period of its duration, i.e. based upon an objective legal fact. If, however, the employment relationship for a definite period, was to be terminated prior to the expiration of the period for which it was agreed (i.e. in this case in particular by a notice), the above mentioned provisions of the Labor Code would be applied (see answer to question A).

Article 8, paragraph 3

„With a view to ensuring the effective exercise of the right of employed women to the protection, the Contracting Parties undertake:
to provide that mothers who are nursing their infants shall be entitled to a sufficient time off for this purpose;"

Please indicate the rules which apply in this respect, stating whether time off for breastfeeding is considered as working hours and paid as such.

Breaks for the breastfeeding are regulated by the provision of Article 161 of the Labor Code. In addition to the usual work breaks, the employer shall allow a mother who is breastfeeding her child special breaks for this purpose. A mother who works the prescribed weekly working time is entitled to two half-hour breaks per shift for each child, until it reaches the age of one year, and to one half-hour break for the next three months. If she works shorter hours (but at least half of the prescribed weekly working hours), she is entitled to at least one half-hour break for each child until it reaches the age of one year.

Breaks for breastfeeding are considered to be a part of a woman's working time and she is to be paid for them in the amount of her average earnings.

Article 8, paragraph 4

„With a view to ensuring the effective exercise of the right of employed women to the protection, the Contracting Parties undertake:

a. to regulate the employment of women workers on night work in industrial employment;

b. to prohibit the employment of women workers in underground mining, and, as appropriate, on all other work which is unsuitable for them by reason of its dangerous, unhealthy, or arduous nature." .

Question A

Please give details of regulations on the employment of women on night work in industry, in particular as regards the content of regulations on night work of women who are pregnant, have just given birth or are breastfeeding their children, and stating in particular the hours to which the term "night work" applies.

Provision of Article 37, paragraph 1 (f) and provision of Article 153, paragraph 1 of the Labor Code stipulate the obligation of an employer to transfer a female employee to other work if she is pregnant, breastfeeding or a mother of a child under nine months of age, and if she performs work that these women are prohibited from doing, or that according to medical opinion endangers her pregnancy or her maternity mission. If a pregnant woman working at night requests a transfer to day work, the employer shall comply with her request. This provision is similarly applied to mothers until the end of the ninth month after they give birth, and to breastfeeding women. If, through no fault of her own, a woman earns less at the work she was transferred to than she earned previously, she shall be provided with a differential benefit (income support), in accordance with the statutory provisions of sickness insurance (provision of Article 4 of the Act No. 88/1968 Coll., on Extension of Maternal Leave, Maternity Benefits and Child Allowances Paid of Sickness Insurance).

The employers are obliged to provide adequate social services for employees working at night, in particular, the possibility of refreshment. The employer is obliged to equip the work places at which workers work at night with utensils for the provision of first aid including those that enable calling urgent medical help.

The definition of the term „night work" is contained in an answer to the question of the Article 7, paragraph 8 (A).

Question B

Please give details of measures to prohibit the employment of women workers in underground mining.

According to the provision of Article 150 of the Labor Code, women must not be employed in work performed underground to extract minerals or drill tunnels and galleries, except for women who: work at responsible management positions that do not involve manual work; work in health care and social services; are gaining operational experience as part of their studies; perform non-manual work which must be occasionally done underground, especially in occupations related to supervision, inspection or study.

In 1999 and 2000 there was no case of violation of the aforementioned prohibition.

Question C

Please indicate what other occupations of the kind referred to in sub-paragraph b of this paragraph are prohibited and the measures taken to give effect to such extension.

Except for the prohibition of work, described within the framework of answer to the question A, it is prohibited to employ women in work specified by the Notification of the Ministry of Health No. 261/1997 Coll., Determining Work and Work Places Prohibited to All Women, Pregnant Women, Mothers until the Ninth Month after Giving a Birth and to Minors, and Conditions under Which Minors Can Exceptionally Perform This Work Due to Vocational Training. This Notification treats in more detail which work is physically inappropriate for women, or which is harmful to their organism (for instance lifting and carrying loads and work associated with exposition to vibrations, exceeding the limits stipulated by the notification; pregnant women and women until the end of ninth month after childbirth are prohibited, for instance, to perform work requiring permanent sitting or standing without the possibility of changing their positions, work with cytostatics, work with plumbum, mercury and their compounds).

Question D

Please give particulars of any authorised exceptions.

The question was replied within the framework of answer to the question A.

List of sources to the Article 8:

- *Act No. 65/1965,* ***the Labor Code,*** *as amended*
- *Act No. 9/1991 Coll.,* ***on Employment and on Activities of the Authorities of the Czech Republic in the Sector of Employment,*** *as amended*
- *Act No. 117/1995 Coll.,* ***on State Social Support,*** *as amended*
- *Act No. 463/1991 Coll.,* ***on the Minimum Subsistence Amount,*** *as amended*
- *Act No. 88/1968 Coll.,* ***on Extention of Maternal Leave, Maternity Benefits and Child Allowances Paid of Sikness Insurance,*** *as amended*
- *Act No. 54/1956 Coll.,* ***on Employees´ Sikness Insurance,*** *as amended*
- *Act No. 221/1999 Coll.,* ***on Carrier Soldiers,*** *as amended*
- *Ministry of Health Notification No. 261/1997 Coll.,* ***Determining Work and Work Places Prohibited to all Women, Pregnant Women and Mothers until the End of Ninth Month after Childbirth, and to Minors, and Conditions, under Which Minors Can Exceptionally Perform This Work Due to Vocational Training,*** *as amended.*

ARTICLE 11: THE RIGHT TO PROTECTION OF HEALTH

General aspects

Question A

Please indicate the forms of ill-health which at present raise the greatest public health problems in your country by reason of their frequency, gravity and any sequels.

Please indicate what illnesses were the main causes of death.

The state of health of the population is affected mainly by diseases of long-term or chronic nature that considerably affect the quality of everyday life.

In 1999, according to the preliminary data of the National oncological register of the Czech Republic, nearly 57 thousand new diseases of malignant tumors and tumors in situ, were reported. Malignant tumors of colorectum, lungs, prostate and sexual organs represented more than a half of the reported tumors. At the end of the year there were nearly 399 registered cases of malignant tumors and tumors in situ.

The number of diseases of viral encephalitis, transmitted by ticks (719) was the second largest in last twenty years. In comparison to 1999, the number increased by 47%. As opposed to the previous diseases, the number of reported cases of viral hepatitis decreased by 14% in the monitored year. The occurrence of viral hepatitis, type A and B decreased, however in accordance to the existing trend, the number of cases of other hepatitis increased again.

As of 31.12.2000, the referential laboratory for AIDS recorded cumulatively 500 HIV positive persons. 148 persons of the total number of HIV positive persons developed AIDS. In spite of the fact that in the previous year the index of growth of the reported numbers of cases of syphilis slightly decreased, the year 2000 brought a significant growth. The number of reports increased by 45% as opposed to the previous year.

The long-term increasing trend of the number of reported diabetics continues. The number of registered diabeticsamounted to more than 654 thousand persons as of 31.12.2000. Nearly 55% were women. Newly diagnosed cases of the disease amounted to 8.3% in the year. The structure of treatment changes very slowly, the proportion of patients treated only with a diet decreases. The number of complications, except for blindness, did not succeed in being cut down.

The number of inborn development defects of children population increases (per 10,000 live born infants there were 370,1 cases of boys and 278.9 cases of girls with an inborn defect, ascertained by reaching 1 year of age of the child). The number of allergic diseases of children population increases, the growth of diseases of nervous system continues, as well as mental retardation and serious behavioral disorders. The number of serious injuries and drug addiction increases relatively considerably. Extremely high is the occurrence of acute respiratory diseases of children at the preschool children‘s establishments.

In 2000, total of 109,001 persons died in the Czech Republic. The number of deceased per 1,000 citizens reached the value of 10.6 in 2000.

In the long run, the order of the most frequent causes of death has not been changing. The most frequent cause of death are diseases of the circulatory system, tumors, external causes = injuries and poisoning, diseases of respiratory organs and diseases of digestive system. These five major causes of death resulted in 94.6% of deaths in 2000.

Year	Diseases of circulatory system		Tumors		External causes (=injuries and poisoning)		Diseases of respiratory organs		Diseases of digestive system	
		In %	total	In %	total	In %	total	In %	total	In %
1995	65 951	55,9	28 631	24,3	8 502	7,2	5 076	4,3	4 326	3,7
1996	63 145	56,0	27 879	24,8	7 793	6,9	4 677	4,1	4 146	3,7
1997	63 334	56,2	28 008	24,8	7 847	7,0	4 314	3,8	4 024	3,6
1998	60 397	55,1	28 015	25,6	7 013	6,4	4 105	3,7	4 158	3,8
1999	60 286	54,9	28 185	25,7	6 925	6,3	4 659	4,2	4 248	3,9
2000	58 192	53,4	28 705	26,3	7 070	6,5	4 959	4,5	4 239	3,9

Trend of the number of deceased sorted by sex and selected causes of death								
Year		Total	Of which the cause of death					
			Malignant tumors	Malignant tumors of trachea, bronchus and lungs	Malignant tumors of female breast	Diabetes mellitus	Diseases of circulatory system	Ischaemic heart diseases
1970	M	65 003	14 007	4 641	x	704	29 523	15 646
	F	58 324	10 480	511	1 343	1 536	31 588	12 990
1975	M	64 619	14 710	5 024	x	652	30 207	16 182
	F	59 695	10 953	523	1 492	1 254	33 146	14 284
1980	M	68 791	15 047	5 100	x	919	33 405	17 020
	F	66 746	11 524	638	1 697	1 460	37 359	15 127
1985	M	66 589	15 174	4 974	x	906	34 590	18 188
	F	65 052	11 540	723	1 751	1 317	39 438	15 999
1990	M	66 468	15 797	4 979	x	887	34 421	18 473
	F	62 698	12 378	851	1 907	1 342	37 975	16 173
1991	M	63 342	15 682	4 845	x	762	32 724	17 436
	F	60 948	12 420	950	1 946	1 018	36 764	16 025
1992	M	61 767	15 621	4 873	x	663	31 765	17 031
	F	58 570	12 249	949	1 897	876	35 289	14 922
1993	M	59 180	15 330	4 795	x	582	30 391	16 289
	F	59 005	12 605	947	1 946	923	35 595	15 187
1994	M	58 609	15 579	4 513	x	521	29 812	15 722
	F	58 764	12 473	1 049	1 985	782	35 320	14 961
1995	M	58 925	15 636	4 704	x	379	30 381	15 562
	F	58 988	12 826	1 091	2 051	498	35 570	14 880
1996	M	56 709	15 534	4 483	x	332	29 007	14 178
	F	56 073	12 208	1 105	1 892	475	34 138	13 667
1997	M	56 692	15 482	4 493	x	432	29 057	13 414
	F	56 052	12 354	1 068	1 943	565	34 277	12 712
1998	M	55 139	15 544	4 298	x	645	27 423	12 549
	F	54 388	12 322	1 135	1 913	843	32 974	11 491
1999	M	54 845	15 425	4 380	x	486	27 258	12 557
	F	54 923	12 613	1 243	1 895	683	33 028	11 964
2000	M	54 882	15 878	4 480	x	601	26 468	12 034
	F	54 119	12 661	1 246	1 939	813	31 724	11 350

Trend of the number of deceased sorted by sex and selected causes of death

Of which cause of death							Year
Vascular brain diseases	Disease of respiratory organs	Diseases of digestive system	External causes of diseases and deaths	Traffic accidents[1)]	Intentional self-inflicted injury		
8 344	6 895	2 639	5 983	1 533	1 976	M	1970
10 758	4 603	2 188	3 157	504	848	F	
9 451	5 628	2 769	5 251	1 216	1 679	M	1975
12 553	4 027	2 366	3 382	520	731	F	
10 206	6 003	3 005	5 186	988	1 606	M	1980
14 233	5 219	2 569	3 641	338	684	F	
10 185	4 373	2 676	5 029	730	1 509	M	1985
14 843	3 239	2 167	3 870	289	603	F	
9 640	3 323	3 020	5 382	1 165	1 434	M	1990
13 552	2 100	2 003	3 667	406	563	F	
9 045	3 013	2 737	5 194	1 173	1 393	M	1991
12 454	2 207	1 937	3 592	410	511	F	
8 359	2 914	2 574	5 353	1 308	1 485	M	1992
11 822	2 179	1 861	3 339	407	506	F	
7 869	2 692	2 351	5 152	1 250	1 412	M	1993
11 697	2 116	1 804	3 344	441	505	F	
7 695	2 504	2 478	5 124	1 363	1 341	M	1994
11 435	2 132	1 992	3 432	464	531	F	
7 432	2 675	2 496	5 132	1 191	1 284	M	1995
10 707	2 401	1 830	3 370	476	449	F	
6 916	2 439	2 400	4 838	1 129	1 206	M	1996
10 003	2 238	1 746	2 955	399	362	F	
6 228	2 285	2 290	5 053	1 200	1 311	M	1997
8 993	2 029	1 734	2 794	384	355	F	
6 553	2 342	2 443	4 569	1 074	1 268	M	1998
10 098	1 763	1 715	2 444	354	345	F	
6 675	2 465	2 467	4 559	1 188	1 285	M	1999
10 332	2 194	1 781	2 366	380	325	F	
6 991	2 637	2 408	4 694	1 171	1 298	M	2000
10 352	2 322	1 831	2 376	401	351	F	

[1)] until 1985 (inclusive) only injuries caused by motor vehicles

Question B

Please describe the measures aimed at ensuring universal access to health care. Please also indicate on what conditions the various health services are made available to the whole of your country, describing the geographical distribution of these serices.

The basic legislation in the field in concern is embodied in Article 31 of the Charter of Fundamental Rights and Freedoms. According to this provision, each person has the right to the protection of health. Citizens, based upon the public insurance, have the right to free medical care and medical aids under conditions stipulated by law.

The right of citizens to the provision of health care is embodied in the Act No. 20/1966 Col., on Care of People's Health. The provision of Article 9 stipulates that citizens are entitled to the provision of health care, in accordance to the provisions of the Act on Care of People's Health, Act on the General Insurance and provisions issued for their implementation, and the Act on the Protection of the Public Health.

The Act on Care of People's Health (provision of Article 11) stipulates that health care is provided

- without direct payment, based upon the public health insurance, within the extent stipulated by a special act, or based upon a contractual health insurance,
- without direct payment from the funds of the state budget of the Czech Republic, charity, church or other legal entities and individuals,
- for full or partial financial payment. The following care is provided for full or partial financial payment
  - health care exceeding the framework specified by a special act,
  - examinations, check ups and other performances carried out in the personal interest of individuals or legal entities, who are not pursuing the purposes of treatment,
  - medicaments and medical aids above the scope determined by a special act,
  - provision within establishments of institutional care, in children's homes, infants' institutions and nurseries,
  - hygienic services ordered by individuals or other legal entities,
  - stay in establishments of institutional care for other than health care reasons if it does not relate to care considered as social care, or stay of a guide in accordance to a special provision.

Legislation relating to the public health insurance and the extent and conditions under which the health care is provided is embodied in the Act No 48/1997 Coll., on Public Health Insurance and on Alterations and Amendment of Several Associated Acts. According to this Act, with certain exceptions, the following persons are insured in terms of health insurance:

a) persons who have a permanent residency on the territory of the Czech Republic,
b) persons that do not have a permanent residency on the territory of the Czech Republic, if they are employees of an employer whose registered office is on the territory of the Czech Republic.

Health insurance arises on the day:

a) of birth if it is a person with a permanent residence on the territory of the Czech Republic,
b) when a person without permanent residence on the territory of the Czech Republic became an employee,
c) acquiring permanent residency on the territory of the Czech Republic.

Health insurance covers health care provided to an insured person with the objective to maintain or improve the insured person‘s health. List of health care performances not covered from the health insurance (or covered only under certain conditions) is contained in the Annex to the Act. Health care covered within the scope and under the conditions set by this Act includes:

a) outpatient and inpatient medical treatment (including diagnostic care, rehabilitation and care for chronically ill),
b) emergency and rescue services,
c) preventive care,
d) special systematic medical care for those suffering from serious diseases,
e) the provision of medicines, technical health-care products (devices) and dental products,
f) spa treatment and children‘s specialist treatment in sanatoriums (therapeutic facilities) and convalescent homes,
g) occupational (work) preventive care;
h) transportation of patients and reimbursement of travelling costs,
i) medical reports (the issue of medical opinions),
j) postmortems on insured persons and autopsies, including transportation.

For the purpose of the provision of material performance during the provision of health care to insured persons the General Health Insurance Company (Všeobecná zdravotní pojišťovna) and other health insurance companies (i.e. departmental, special field, company, or as the case may be other insurance companies) conclude agreements on the provision of health care with individual health care establishments. The agreement on the provision of health care can be concluded only for those kinds of care which the health care establishment is authorized to provide. The agreements are not required for the provision of an emergency and urgent health care to the insured person. Health insurance companies are, besides executing the health insurance, in accordance to the Act on Public Health Insurance, authorized to carry out **contractual health insurance** for persons who are not “insured persons”, according to the Act on Public Health Insurance, and for insured persons, for the purposes of covering health care exceeding the framework of paid care, including treatment abroad.

Employees by categories, in regions

Region	Employees (calculated number)							
	Physicians	Pharmaceutical workers	Other Specialized Workers	Medium qualified Health care Workers	Lower qualified Health care Workers	Auxiliary Health care Workers	Others	Total health care workers
	Absolutely							
The city of Prague	7 356	681	2 034	17 979	706	2 272	7 739	38 767
Central Bohemian	3 263	409	314	9 077	660	1 264	4 012	18 999
South Bohemian	2 165	277	286	6 082	315	923	2 286	12 334
Pilsen	2 216	242	219	6 087	374	1 018	2 508	12 665
Karlovy Vary	1 052	114	142	3 339	449	702	4 581	10 378
Usti	2 572	306	340	8 194	621	1 426	3 742	17 199
Liberec	1 374	185	154	3 906	271	497	1 620	8 008
Králový Hradec	2 059	344	291	5 993	316	712	3 074	12 788
Pardubice	1 557	236	216	4 498	254	607	2 132	9 501
Vysočina	1 577	211	223	4 793	200	764	2 017	9 784
South Moravian	4 642	603	619	12 663	539	2 076	4 395	25 538
Olomouc	2 437	290	338	6 578	384	1 028	3 384	14 438
Zlín	1 793	283	267	5 332	353	759	2 515	11 302
Moravian- Silesian	4 269	545	659	12 801	1 093	2 009	6 310	27 686
Czech Republic	**38 331**	**4 726**	**6 101**	**107 321**	**6 537**	**16 058**	**50 314**	**229 387**
	Per population of 10 000							
The City of Prague	62,3	5,8	17,2	152,2	6,0	19,2	65,5	328,2
Central Bohemian	29,3	3,7	2,8	81,4	5,9	11,3	36,0	170,4
South Bohemian	34,6	4,4	4,6	97,2	5,0	14,8	36,5	197,1
Pilsen	40,2	4,4	4,0	110,4	6,8	18,5	45,5	229,7
Karlovy Vary	34,6	3,7	4,7	109,7	14,7	23,1	150,5	340,9
Ústi	31,1	3,7	4,1	99,1	7,5	17,2	45,2	208,0
Liberec	32,0	4,3	3,6	91,0	6,3	11,6	37,7	186,6
Královy Hradec	37,4	6,2	5,3	108,8	5,7	12,9	55,8	232,2
Pardubice	30,6	4,6	4,2	88,5	5,0	11,9	41,9	186,8
Vysočina	30,3	4,0	4,3	92,0	3,8	14,7	38,7	187,9
South Moravian	40,9	5,3	5,5	111,5	4,7	18,3	38,7	224,9
Olomouc	38,0	4,5	5,3	102,6	6,0	16,0	52,8	225,2
Zlín	30,0	4,7	4,5	89,2	5,9	12,7	42,1	189,0
Moravian –Silesian	33,4	4,3	5,2	100,2	8,6	15,7	49,4	216,6
Czech Republic	**37,3**	**4,6**	**5,9**	**104,5**	**6,4**	**15,6**	**49,0**	**223,4**

If we exclude the City of Prague that reaches the maximum numbers in all fields, the provision of outpatient care in **regions** in the individual health care fields is in the following intervals:

Health Care Field	*Number of physicians per 10,000 of population, corresponding age groups, and sex*	
	The highest values	*The lowest values*
Internal medicine (including sub-fields)	Plzeň (2,34), South Moravian (2,28)	Central Bohemian (1,47), Karlovy Vary (1,48)
Infectious	South Moravian (0,08), Karlovy Vary (0,07)	Liberec (0,02), Central Bohemian (0,02)
Tuberculosis and respiratory diseases	Pilsen (0,41), Zlín, Ústi (0,31)	South Moravian (0,23), Liberec (0,22)
Neurology	Olomouc (0,76), South Moravian (0,71)	Central Bohemian (0,44), Karlovy Vary (0,40)
Pediatricians (including general practitioners)	South Bohemian (11,21), Královy Hradec (10,91)	Vysočina (9,56), Zlín (9,46)
Gynecology (including general practitioners)	Olomouc (2,93), South Moravian (2,73)	Pardubice (2,01), Vysočina (1,92)
Surgery (including sub-fields)	Královy Hradec (1,82), South Moravian, Pilsen (1,61)	Central Bohemian (1,09), Zlín (1,06)
Anaesthetical – resuscitation (outpatient)	Královy Hradec (1,18), Pilsen (1,07)	Olomouc (0,32), Liberec (0,20)
Urology	Královy hradec (0,27), Olomouc (0,26)	Central Bohemia (0,17), Liberec (0,16)
Ear, Nose and Throat Specialists (including foniatrics)	Pilsen (0,73), South Moravia (0,70)	Karlovy Vary, South Bohemia (0,40)
Ophthalmology	Olomouc (0,87), Královy Hradec (0,85)	Ústec (0,50), Liberec (0,45)
Dermatology	South Moravian (0,61), Olomouc (0,58)	Vysočina (0,41), Central Bohemia (0,38)

Provision of outpatient care, by individual fields, in **districts,** has the following intervals (the City of Prague is also included):

Health Care Field	*Number of physicians per 10,000 population of corresponding age group, and sex*	
	The highest values	*The lowest values*
Internal medicine (including sub-fields)	Pilsen-town (5,18), City of Prague (4,46)	Znojmo (0,71), Prague-West (0,41)
infectious	Department usually covers several districts and the relations have the following interval of 0,01 – 0,2 physicians per 10,000 inhabitants	
Tuberculosis and respiratory diseases	Pilsen-town (0,75), Teplice (0,61)	Prague-West, Jeseník (0,00)
Neurology	Brno-town (1,32), City of Prague (1,25)	Blansko (0,19), Český Krumlov (0,17),
Pediatricians (including general practitioners)	City of Prague (14,54), Hradec Králové (13,28)	Domažlice (7,90), Nymburk (7,64)
Gynecology (including general practitioners)	Brno-town (4,40), City of Prague (4,39)	Pilsen-town (1,22), Pilsen-north (1,08)
Surgery (including sub-fields)	City of Prague (3,44), Pilsen-town (2,98)	Třebíč (0,51), Prague-West (0,12)
Anaesthetical – resuscitation (outpatient)	Hradec-Králové (2,63), Brno-town (2,31)	Prague-west, Rakovník, Pilsen-north, Most (0,00)
Urology	Hradec-Králové (0,57), Beroun (0,55)	Prague-east, Rakovník, Domažlice, Jeseník (0,00)
Ear, Nose and Throat Specialists (including foniatrics)	Pilsen-town (1,60), Brno-town (1,34)	Most (0,18), Prague-West (0,00)
Ophthalmology	Hradec-Králové, Pilsen-town (1,44)	Pilsen-south (0,19), Prague-west (0,18)
Dermatology	City of Prague (1,28), Pilsen-town (1,21)	Pilsen-south (0,11), Pilsen-north (0,10)

Hospitals‘ bed fund (sorting by regions) - see answer to question C.

Question C

Please indicate how public health services are organised in your country and state, if possible:

a. the number of private or public preventative and screening clinics (if possible distinguishing between general or specialised, particularly in the fields of tuberculosis, sexually transmitted diseases, AIDS, mental health, mother and child welfare, etc.) and the annual attendance of them making special mention of services for schoolchildren;

b. the regular health examinations arranged for the population in general or for a part thereof, and at their intervals;

c. the number of general hospitals and public or private establishments for specialised treatment (especially for tuberculosis, psychiatry – including day hospital - , cancer, after-care, functional and occupational rehabilitation). Give the respective proportions of public and private establishments. Please indicate the number of beds available (or of places in case of day hospitals or rehabilitation clinics accepting out-patients);

d. the number per 1000 persons of doctors, dentists, midwives and nurses, indicating, if possible, the situation in urban and rural areas;

e. the number of pharmacies per 1000 persons and if possible their geographical distribution;

f. please indicate the percentage of GDP allocated to health expenditures.

Structure of the health care establishment network in the Czech Republic does not show any significant changes in recent years. The situation stabilized and larger changes can be assumed only after new legislation is adopted. The new legislation, in compliance with the trend after 1990, newly defines the division of the health care establishments by the type of care provided.

A higher growth of number of establishments is recorded in the case of pharmacies (considerable differences between districts however do not decrease, their density is rising on lucrative sites), as well as of private physician specialists' offices.

In case of bed establishments, the trend is to decrease the number of beds in acute care. The growing pressure for their economic use demonstrates in every year's growth of the number of hospitals of follow up care (in 2000 6 more establishments were established), and in establishing additional sections of follow up and nursing care within the hospitals of acute care.

At the end of the year, in the Czech Republic, there were 25,405 health care establishments, of which 23,978 were a legal entity, 1,427 were incorporated into larger legal entities. The health care resort registered 25,255 establishments, other resorts (transportation, interior, defense and justice) 150 health care establishments. Only 804 (predominantly large) establishments are state owned entities (138 directly established by the Ministry of Health, 516 administered by district authorities, 150 managed by the ministries of other resorts) 24,601 other than state establishments (233 administered by municipalities, 24,368 private). As opposed to 1999, there are 330 new establishments of which 219 are independent physicians' offices (42 general practitioners' offices, 177 specialist physicians' offices) and 80 pharmacies.

In health care establishments of all resorts there were total of 38,329.97 physicians and 107,320.70 middle health care workers (SZP) – number converted into full time jobs.

In the hospitals (including outpatient parts), there were 171 new physicians, however, 135 of SZP less. The bed capacity of hospitals dropped by 2.7% (-1,850 beds).

Hospitals – beds	Number of beds		Difference
	year 1999	*year 2000*	*year 2000 - 1999*
infants‘ beds	61 460		- 3 012
Infants‘	2 395	2 292	- 103
Follow up and nursing care	3 510	4 804	+1 294
Total	67 365	65 544	- 1 821

Hospital – founder	Number of beds		Difference
	year 1999	*year 2000*	*year 2000 - 1999*
Ministry of Health	20 937	20 798	-139 (-0,7 %)
District authority	32 262	31 351	-911 (-2,8 %)
Town, municipality		6 834	-1 176 (-4,7 %)
private	6 156	6 561	

Trend of number of beds*)

Year	Number of Beds			
	Total	Of which		
		Hospitals	Spa treatment sanatoriums	Specialist treatment Institutions
	Total number			
1970	134 537	89 410	20 276	24 851
1975	137 723	88 542	22 678	26 503
1980	140 990	88 743	23 981	28 266
1985	141 868	89 245	23 523	29 100
1990	139 653	88 208	22 001	29 444
1995	117 228	74 510	19 000	23 718
1996	114 298	72 814	19 125	22 359
1997	116 001	72 480	20 778	22 743
1998	114 692	71 439	21 260	21 993
1999	113 605	69 307	21 897	22 401
2000	112 303	67 457	22 179	22 667
	per 10, 000 population			
1970	137,1	91,1	20,7	25,3
1975	136,4	87,7	22,5	26,3
1980	137,0	86,2	23,3	27,5
1985	137,2	86,3	22,7	28,1
1990	134,7	85,1	21,2	28,4
1995	113,6	72,2	18,4	23,0
1996	110,9	70,6	18,6	21,7
1997	112,6	70,4	20,2	22,1
1998	111,5	69,4	20,7	21,4
1999	110,5	67,4	21,3	21,8
2000	109,4	65,7	21,6	22,1

*) including infants‘ beds,
data until 1996, data for the resort of health care, from 1997 on including resorts of defense, interior, justice and transportation

Network of health care establishments in the CR as of 31.12.2000

Resorts in total

Type of establishment	Number of Establishments	Converted number		Beds	Places
		Physicians	SZP		
Hospitals (incl. Outpatient part)	211	15 438,34	58 252,43	67 457	621
Medical institutions for long-term ill	75	228,79	1 917,51	6 713	-
Medical Institutions for TBC and respiratory diseases – grown-up patients	10	67,65	334,50	1 280	-
Psychiatric hospitals – grown up	17	440,46	2 731,55	9 717	-
Rehabilitation institutions – grown up	5	33,83	296,16	880	-
Other specialist medical institutions – grown up	12	93,43	483,38	1 112	-
Children‘s medical institutions for TBC and respiratory diseases	1	0,85	7,25	20	-
Children‘s psychiatric hospitals	4	14,99	137,41	358	-
Other children‘s specialist medical institutions	12	44,81	328,66	1 418	-
Spa treatment sanatoriums – grown up	58	325,35	1 870,43	21 404	-
Children‘s spa sanatoriums	5	11,71	124,17	775	-
Convalescent homes	14	5,17	110,26	964	-
Hospice	6	7,83	71,68	158	-
Other bed establishments	4	33,69	50,35	47	-
Specialist medical institutions in total	223	1 308,56	8 463,31	44 846	-
Polyclinics, associated outpatient establishments	171	1 323,60	2 761,71	-	29
Health care centers	198	582,93	956,43	-	26
Independent general practitioners‘ offices for grown up	4 403	4 421,38	4 273,08	-	-
Independent general practitioners‘ offices for children and youth	2 124	2 095,12	2 071,89	-	-
Independent general practitioners‘ offices of a dentist	5 403	5 635,58	5 588,11	-	-
Independent general practitioners‘ offices of a gynecologist	1 079	1 007,22	1 139,73	-	4
Independent offices of a medical specialist	5 251	4 964,96	5 749,29	-	38
Other outpatients establishments	3 734	369,01	7 781,11	-	167
Separate outpatient establishments in total	22 363	20 399,80	30 321,35	-	264
Infants‘ institutions and children‘s homes	39	37,47	1 000,25	-	2 060
Children‘s short stay wards and centers	55	16,97	363,77	-	1 752
Nurseries and other children‘s establishments	65	0,23	299,92	-	1 867
Short stay hospitals/wards for grown up	20	18,48	48,53	-	263
Transportation and rescue medical service	300	363,43	1 770,14	-	-
Other	30	25,47	140,36	-	223
Special health care establishments in total	509	462,05	3 622,97	-	6 165
Pharmacies	1 710	0,73	4 110,59	-	-
Distributing offices	183	1,12	108,08	-	-
Other	4	-	1,00	-	-
Establishments of pharmaceutical care in total	1 897	1,85	4 219,67	-	-
Hygienic service	87	665,16	2 274,10	-	-
Other	114	54,21	166,87	-	-
In total (establishments, physicians, beds)	25 405	38 329,97	107 320,70	112 303	7 050

Note: Detached work sites are not included in the number.

Outpatient care in bed and outpatient establishments in the CR					
Sections and work sites	Recalculated number				Number of SZP
Of particular field	Resorts in total		Resort of health care		Per 1 physician
	Physicians	SZP	Physicians	SZP	
Internal medicine	1 581,70	2 421,91	1 525,54	2 346,53	1,53
Cardiology	131,93	147,37	129,23	144,67	1,12
Rheumatology	73,02	84,10	72,82	83,90	1,15
Diabetology	121,41	136,82	118,76	134,12	1,13
Gastroenterology	69,43	90,29	62,63	79,29	1,30
Endocrynology	49,87	45,20	49,37	44,40	0,91
Clinical pharmacology	13,21	19,25	13,21	19,25	1,46
Geriatrics	15,50	28,92	15,50	28,92	1,87
Infectious	46,94	83,66	45,94	82,66	1,78
Allergology	180,29	212,03	179,49	211,03	1,18
Tuberculosis and respiratory diseases	313,69	699,91	311,65	696,28	2,23
Neurology	649,78	756,05	628,54	725,35	1,16
Psychiatry	573,29	377,58	550,08	355,25	0,66
Sexuology	14,55	15,76	14,55	15,76	1,08
Occupational diseases	59,03	73,14	54,63	68,43	1,24
Paediatrics	271,77	428,19	271,77	428,19	1,58
Gynecology	290,29	616,99	286,20	612,65	2,13
Infants‘	4,99	5,57	4,99	5,57	1,12
Surgery	950,79	1 729,84	928,95	1 694,84	1,82
Neurosurgery	23,65	48,91	23,65	48,91	2,07
Plastic surgery	71,11	107,94	70,92	107,75	1,52
Cardiosurgery	29,10	64,11	29,10	64,11	2,20
Traumatology	31,81	92,65	28,01	86,35	2,91
Anaestesiology and resuscitation	804,83	1 105,97	779,97	1 077,88	1,37
Orthopaedics	509,27	630,15	500,90	618,26	1,24
Urology	249,01	387,30	243,19	375,30	1,56
Ear, Nose and Throat specialists	605,03	774,48	588,33	749,59	1,28
Foniatrics	25,53	41,14	25,53	41,14	1,61
Ophthalmology	743,00	845,80	723,75	822,27	1,14
Stomatology	439,10	4 273,63	431,78	4 263,63	9,73
Dermatovenerology	593,48	676,02	579,23	655,44	1,14
Clinical oncology	98,30	178,28	93,90	173,28	1,81
Radiotherapy	111,55	365,79	111,55	365,79	3,28
Youth	18,00	18,53	18,00	18,53	1,03

Physical education medicine	41,61	51,91	35,61	43,91	1,25
Medical genetics	55,65	111,03	55,65	111,03	2,00
Medical emergency (rescue) services	49,75	231,63	47,75	229,63	4,66
Surgery for children	19,12	40,69	19,12	40,69	2,13
General practitioner for grown up	5 173,87	5 362,58	4 808,01	4 729,61	1,04
General practitioner for children	2 197,22	2 199,88	2 195,22	2 197,88	1,00
General practitioner stomatologist	5 922,32	5 937,92	5 821,65	5 805,42	1,00
General practitioner gynecologist	1 114,32	1 287,28	1 109,77	1 280,96	1,16
Nephrology	20,91	44,04	19,91	39,04	2,11
Clinical biochemistry	221,47	2 918,57	212,67	2 821,52	13,18
Clinical haematology	115,71	569,63	113,21	560,63	4,92
Radiodiagnostics	1 165,12	3 134,01	1 118,27	3 026,20	2,69
Prosthetics	7,58	5,98	7,58	5,98	0,79
Transfusion services	196,26	1 215,53	194,26	1 203,53	6,19
Rehabilitation and physical medicine	469,20	4 861,16	455,81	4 737,24	10,36
Nuclear medicine	123,26	407,95	117,16	395,95	3,31
Pathology	315,13	571,36	312,13	566,36	1,81
Forensic medicine	60,83	73,52	57,83	70,52	1,21
Chest surgery	0,40	0,50	0,40	0,50	1,25
General and communal hygiene	7,12	5,79	2,00	1,50	0,81
Epidemiology	5,36	12,57	5,36	12,57	2,35
Microbiology	186,96	918,73	184,96	904,17	4,91
Haematological laboratories	-	6,40	-	6,40	-
Haemodialysis	109,58	751,08	109,58	751,08	6,85
Central reception	13,87	157,81	13,87	157,81	11,38
Tissue station	3,20	11,00	3,20	11,00	3,44
Treatment of burns	10,20	5,00	10,20	5,00	0,49
Operation rooms	22,10	838,39	21,10	810,39	37,94
Ophthalmology for children	7,78	16,41	7,78	16,41	2,11
Functional diagnostics	35,97	58,03	31,97	55,03	1,61
Clinical immunology	52,98	161,49	52,98	161,49	3,05
Pharmaceutical	-	67,59	-	59,82	-
Technical health-care products (devices)	-	9,00	-	9,00	-
Blood banks	4,96	28,08	4,96	28,08	5,66
Nursing care	-	1 737,88	-	1 737,88	-
Transport	-	59,40	-	57,64	-
Other	240,22	1 471,28	230,26	1 429,20	6,13
CR	27 734,28	52 924,38	26 891,89	51 326,39	1,91

Utilization of bed fund of the hospitals in the Czech Republic in the 1st quarter of 2001; by types of provided care

Resorts in total							
Type of care	Number of beds	Utilization of beds in day	Utilization of beds in %	Average care period	Idle time of operational bed		
Acute care (except for infants' beds)	60 008	132,0	76,0	8,0	2,5		
Infants' beds	2 305	121,3	68,0	5,8	2,7		
Follow up care	4 928	153,4	86,0	42,7	6,9		

Causes of hospitalization at medical institutions for long-term ill

	Chapter (MKN-10)	Number of hospitalization cases		
		Men	Women	In total
II.	Tumors	1 158	1 410	2 568
IV.	Endocrine diseases, nutritional diseases, and diseases of metabolism	460	898	1 358
VI.	Diseases of nervous system	439	581	1 020
IX.	Diseases of circulatory system	5 487	10 936	16 423
X.	Diseases of respiratory system	514	653	1 167
XI.	Diseases of digestive system	405	652	1 057
XIII.	Diseases of muscular and skeletal system, and bonding tissue	884	2 973	3 857
XIX.	Injuries, poisoning and …. Consequences of external causes	856	2 362	3 218
	Other	854	1 598	2 452
	Total	**11 057**	**22 063**	**33 120**

Causes of hospitalization in medical institutions for tuberculosis and respiratory diseases

	Chapter (MKN-10)	Number of hospitalization cases		
		men	women	Total
I.	Several infectious and parasitic diseases	585	225	810
II.	Tumors	1 140	300	1 440
IX.	Diseases of circulatory system	150	221	371
X.	Diseases of respiratory system	3 111	2 124	5 235
	Others	293	216	509
	Total	**5 279**	**3 086**	**8 365**

Causes of hospitalization in psychiatric institutions

	Chapter (MKN-10)	Number of hospitalization cases		
		men	women	In total
I.	Several infectious and parasitic diseases	162	165	327
V.	Mental and behavioral disorders	21 279	15 923	37 202
VI.	Diseases of nervous system	464	762	1 226
IX.	Diseases of circulatory system	57	86	143
	Other	298	471	769
	Total	**22 260**	**17 407**	**39 667**

Causes of hospitalization in other specialist medical institutions

	Chapter (MKN-10)	Number of hospitalization cases		
		men	women	In total
II.	Tumors	1 702	2 188	3 890
VI.	Diseases of nervous system	1 287	1 105	2 392
IX.	Diseases of circulatory system	2 646	2 053	4 699
X.	Diseases of respiratory system	3 698	2 861	6 559
XIII.	Diseases of muscular and skeletal system, and bonding tissue	3 166	4 971	8 137
XIX.	Injuries, poisoning and … consequences of external causes	1 895	1 073	2 968
XXI.	Factors affecting health and contact with health care services	807	1 741	2 548
	Other	2 744	3 014	5 758
	Total	**17 945**	**19 006**	**36 951**

Hospitalization in institutions for long-term ill by age groups

Age group	Number of cases	Average care period
0 - 14	3	63,3
15 - 19	24	34,1
20 - 24	69	39,9
25 - 29	61	51,0
30 - 34	116	38,4
35 - 39	170	63,0
40 - 44	321	60,0
45 - 49	670	44,9
50 - 54	1 014	45,6
55 - 59	1 155	45,6
60 - 64	1 540	49,2
65 - 69	2 801	46,3
70 - 74	5 085	52,3

75 - 79	7 431	48,0
80 - 84	4 905	57,6
85 +	7 755	54,8
In total	**33 120**	**51,5**

Hospitalization in institutions for the treatment of tuberculosis and respiratory diseases by age groups

Age Group	Number of cases	Average care period
0 - 14	55	48,6
15 - 19	40	29,1
20 - 24	87	40,5
25 - 29	128	42,9
30 - 34	129	43,7
35 - 39	185	42,0
40 - 44	342	46,4
45 - 49	571	47,0
50 - 54	856	42,8
55 - 59	902	37,6
60 - 64	812	39,0
65 - 69	1 104	36,0
70 - 74	1 172	39,8
75 - 79	1 091	46,1
80 - 84	430	50,9
85 +	461	54,3
In total	**8 365**	**42,4**

Hospitalization in psychiatric institutions by age groups

Age group	Number of cases	Average care period
0 - 14	2 048	67,7
15 - 19	2 244	48,7
20 - 24	3 651	64,2
25 - 29	2 918	83,9
30 - 34	3 064	93,7
35 - 39	3 268	101,5
40 - 44	3 996	103,1
45 - 49	3 889	86,5
50 - 54	3 406	90,6
55 - 59	2 220	107,1
60 - 64	1 509	117,1
65 - 69	1 584	104,3
70 - 74	1 795	95,8
75 - 79	1 843	76,4
80 - 84	943	97,1
85 +	1 289	64,2

In total	**39 667**	**87,5**

Hospitalization in other medical institutions by age groups

Age group	Number of cases	Average care period
0 - 14	7 556	39,3
15 - 19	1 269	35,8
20 - 24	1 418	27,6
25 - 29	1 307	21,3
30 - 34	1 211	20,2
35 - 39	1 305	18,1
40 - 44	1 744	19,6
45 - 49	2 602	19,4
50 - 54	3 246	19,9
55 - 59	2 896	20,1
60 - 64	2 494	20,8
65 - 69	2 980	24,0
70 - 74	3 153	25,4
75 - 79	2 267	30,9
80 - 84	712	39,6
85 +	791	45,0
In total	**36 951**	**27,1**

Trend in hospitalization in specialised medical institutions in 1994 – 1999, by sexes

Year	Number of hospitalization cases in establishments							
	For long-term ill		For the treatment of tuberculosis and respiratory diseases		Psychiatric institutions		Other medical institutions	
	Men	Women	Men	Women	Men	Women	Men	Women
1994	8 262	16 263	7 234	5 059	19 291	15 676	11 681	13 325
1995	7 564	15 997	6 637	4 622	20 650	16 329	14 521	17 332
1996	7 482	15 682	6 209	4 349	22 044	17 039	15 645	18 463
1997	8 638	17 127	5 397	3 456	22 480	17 330	16 058	18 920
1998	9 846	20 098	5 047	3 189	22 356	17 469	16 689	19 017
1999	11 057	22 063	5 279	3 086	22 260	17 407	17 945	19 006

Hospitals' beds fund and its utilization

(Health care resort as of 30.6.2001)

Region	Number of establishments	Physicians	Bedside SZP	Beds	Number of hospitalized persons		Utilization of beds	Average
		Per 10,000 population			Per 10,000 population	Per 1 bedside SZP	In days	Care period
The City of Prague	23	11,98	42,80	83,35	1 249,28	29,19	132,9	8,9
Central Bohemian	26	6,10	21,91	52,79	824,98	37,65	130,5	8,4
South Bohemian	10	7,37	29,24	60,86	984,28	33,66	131,7	8,1
Pilsen	11	6,94	27,93	62,09	877,79	31,42	127,9	9,1
Karlovy Vary	5	5,69	24,35	55,29	903,72	37,11	129,7	7,8
Ústi	19	7,35	31,60	72,43	1 059,36	33,53	130,2	8,9
Liberec	10	8,03	27,00	58,69	983,74	36,44	135,8	8,1
Královy Hradec	15	7,41	32,20	71,23	1 044,85	32,45	132,5	9,0
Pardubice	10	5,44	22,02	49,49	859,77	39,04	129,6	7,5
Vysočina	7	6,30	25,81	57,87	980,02	37,97	141,9	8,4
South Moravian	22	9,92	35,12	68,83	1 115,54	31,77	143,8	8,9
Olomouc	9	7,80	27,20	55,36	957,07	35,19	134,7	7,8
Zlín	11	5,55	23,54	55,64	914,22	38,83	127,8	7,8
Moravian – Silesian	22	7,59	28,73	61,73	982,77	34,21	131,2	8,2
CR	200	7,79	29,62	63,47	1 000,37	33,77	133,3	8,5

If we divide health care establishments into two groups by their founder, then 17,113.65 physicians (45%) and 68,102.34 SZP (63%) worked in the state establishments (including establishments administered by municipalities). 21,216.32 physicians (55%) and 39,218.36 SZP (37%) worked in private establishments.

There are, in average, 37.3 physicians per 10,000 population of the Czech Republic (for all resorts)**.** Only 4 regions are above the average of the republic; the City of Prague (62.3), Brno region (40.9), Pilsen region (40.2) and Olomouc region (38.0).

27,734.28 physicians and 52,924.38 SZP worked last year in outpatient care (including outpatient wards of hospitals). **There are in average 27.0 outpatient physicians per 10,000 population.** There are 1.9 SZP per 1 full time job of a physician. Of the total number of outpatient physicians, 26% (7,232.57) worked in hospitals, 73.6 % (20,399.80) worked in independent outpatient establishments (mostly independent offices). Specialist medical institutions (including spas) provide only 0.4% (101.91) of closely specialized outpatient care tied up to the bedside care.

There were 5,173.87 (converted number) registered **general practitioners (PL) for grown ups** at the end of the year. There were in average 1,700 inhabitants older that 14 years of age per 1 full time job of a physician.

There were 2,215.22 **general practitioners for children and youth** (including independent doctors for youth) registered. There were in average for the republic 1,100 persons at the age of 0 – 19 years per 1 full time job of a doctor.

There were 5,922.32 **general practitioners - stomatologists** registered. There were in average, 1,700 inhabitants per 1 full time job of a doctor There were 1,114.32 **general practitioners gynecologists** registered at the end of the year. There were, in average, 4,700 women per one full time job of a doctor.

Network of institutional care establishments consisted of 211 hospitals (67,457 beds including 2,304 infants' beds), 160 specialist medical institutions (22,667 beds) and 63 spa sanatoriums (22,179 beds). There were, in average, 65.7 hospital beds, 22.1 beds in specialized medical institutions, and 21.6 spa beds per 10,000 inhabitants of the Czech Republic. In total, there were 109.4 beds in the institutional care establishments per 10,000 inhabitants.

In the course of 2000, 80 new pharmacies, 7 new establishments for the distribution of medicine, technical health-care products (devices), and medicinal herbs, were opened in the Czech Republic. Of total 1,700 pharmacies, 1,628 was private, and of 183 distribution centers 182 were private. There were 5,250 inhabitants per 1 pharmacy (including 251 detached work places).

Physicians, stomatologists and pharmaceutists, in 1999 and 2000 (evidentiary number)

		MEN	WOMEN	MEN + WOMEN		
				SECTOR		TOTAL
				STATE	NON-STATE	
PHYSICIANS EXCEPT STOMATOLOGISTS	1999	16 791	17 747	17 588	16 950	34 538
	2000	16 767	17 837	17 483	17 121	34 604
STOMATOLOGISTS	1999	2 193	4 442	476	6 159	6 635
	2000	2 198	4 460		6 205	6 658
TOTAL OF PHYSICIANS	1999	18 984	22 189	18 064	23 109	41 173
	2000	18 965	22 297	17 936		41 262
PHARMACEUTISTS	1999	995	3 913	613	4 295	4 908
	2000	999	4 060	581	4 478	5 059

Health care resort	1998	1999		Difference, as opposed to the previous year		
				1998	1999	2000
Pharmacies	1 498	1 559	1 636	+ 72	+ 61	+ 77
Institutional pharmacies	66	67	70	+ 2	+ 1	+ 3
Total of pharmacies	1 564	1 626	1 706	+ 74	+ 62	+ 80

Per 1 pharmacy of the health care resort, there was, in average, the following number of inhabitants in the monitored period:

YEAR	Number of inhabitants	1990 = 100
1990	11 303	100,0
1995	7 976	70,6
1998	6 582	58,2
1999	6 324	56,0
2000	6 021	53,3

Provision of **preventive care** is embodied in provision of Article 29 and following provisions of the Act on Public Health Insurance and in the implementing Ministry of Health Notification No. 56/1997 Coll., Determining the Contents and Time Intervals of Preventive Check ups.

Preventive check-ups of an insured person are carried out:

a) nine times in the first year of life, including at least six times in the first half of the year and at least three times during the first three months of life, unless special systematic medical care is provided for specific reasons (long-term symptoms),
b) in the 18th month of life,

c) in the third year of life and subsequently once every two years.

In the field of dentistry, preventive check-ups are carried out:

a) twice a year in the case of children and juveniles,
b) twice during pregnancy
c) once a year in case of adults.

Preventive gynecological check-ups are carried out after the completion of mandatory school attendance, and once every year, starting at the age of 15.

The implementing Notification sets the range and time intervals of preventive check-ups, in the field of general practitioner for grown ups, in the field of general practitioner for children and juveniles (in provision of Article 2 the Notification defines a whole number of preventive check-ups, the frequency and the range of which is derived based on the age of the child), in the field of dentistry, and in the field of gynecology and obstetrics.

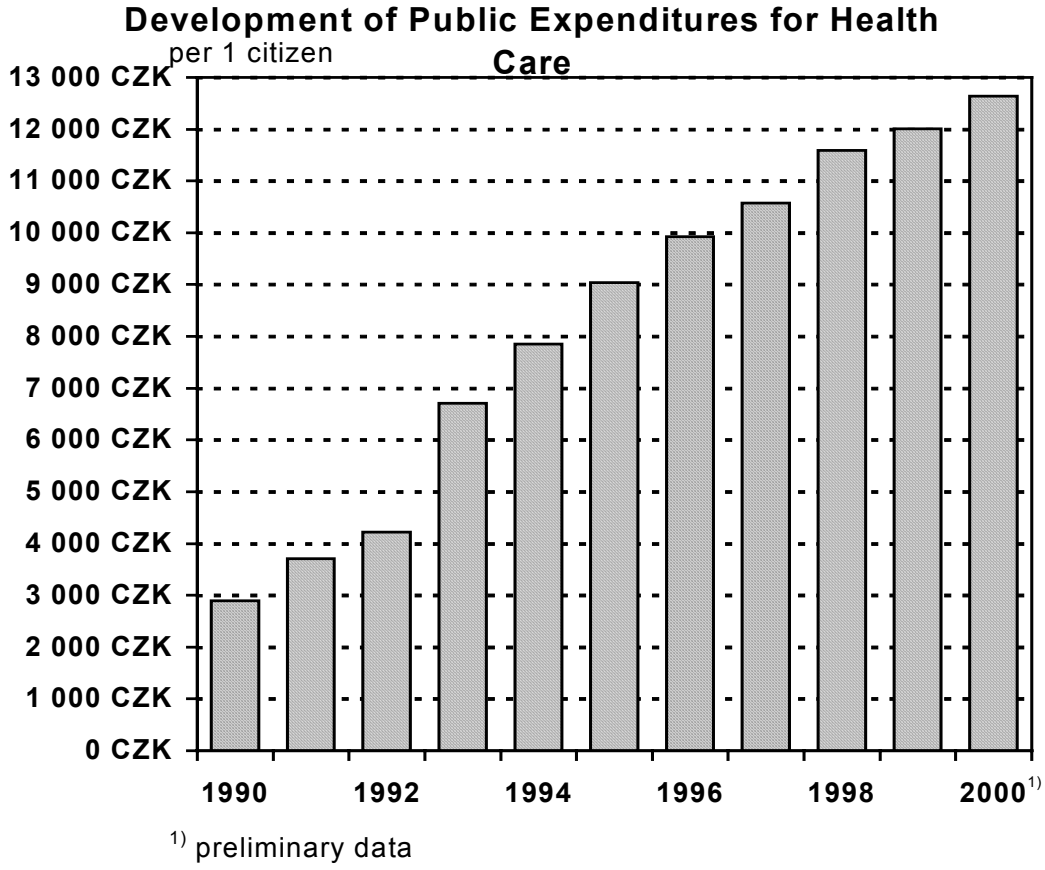
In the field of general practitioner for grown ups, the preventive check-ups are carried out from the time of attaining the age of 18, always once in two years, at the soonest however 23 months after carrying out the last preventive check-up. The range of the preventive check-up are as follows:

a) supplementation of anamnesis with the emphasis on changes, risk factors and professional risks; in the case of family anamnesis, a special emphasis is placed on the occurrence of cardiovascular diseases, occurrence of hypertension, diabetes mellitus, metabolic disorders and tumor diseases,
b) inspection of vaccination against tetanus,
c) comprehensive physical check-up of an internal nature, including orientation examination of eyesight and hearing, measuring of blood pressure and weight; compulsory part of a preventive check-up is oncological prevention, including skin examination, examination of rectum and examination of testes and breasts, together with instruction on the necessity and manner of examination carried out by patients themselves; EKG examination is carried out, in case of persons from the age of 40, in four years‘ intervals, for patients with diagnosed hypertension, for which they do not receive a special treatment, the examination is carried out always,
d) laboratory examination, the contents of which is
    1. orientation chemical testing of urine,
    2. examination of the overall plasmatic cholesterol and plasmatic lipoproteins, including triacylglycerols (LDL+HDL), within the framework of the first preventive check-up at general practitioner at the age of 18 and next at the age of 40, 50 and 60 years of age,
    3. examination of blood sugar from the age of 45 in two-years‘ intervals,
    4. assessment of occult bleeding in stool by standardized test, in case of persons from the age of 50, in two years intervals.

Expenditures on health care are paid both from the public funds and by private funds of individuals. The public funds consist of contributions collected by health insurance companies and funds from the state budget.

The total expenditures in health care in 2000, according to preliminary results, amounted to 142 billion, i.e. by 5.3 % more than in 1999, of which the public expenditures represented the amount of 129.8 billion CZK, and as opposed to 1999, increased by 5.2%. The individual expenditures of individuals for health have a remarkably higher trend of growth, in 2000 they amounted to the total of 12.2 billion CZK, and grew by 6.7 % when compared to 1999. The proportion of the total expenditures for health care, in the gross domestic product, is within the monitored period relatively stable – above 7%, in 2000 it was the highest – 7.44% of the gross domestic product. Per 1 inhabitant in 2000, in average, 13,831 CZK was spent of the total expenditures for health care, of which 12,638 from public funds.

If we include in the aggregate of the public expenditures for health care in the CR for 2000 also expenditures of other resorts, beside health care resort, these public expenditures amount to (according to the estimation of the Institute for Health Care Information and Statistics of the CR) the total of 132.5 billion CZK (126 billion CZK in 1999), which represents 6.93% of the gross domestic product of the CR in 2000 (6.86% in the year 1999).



Article 11, paragraph 1

"With a view to ensuring the effective exercise of the right to protection of health, the Contracting Parties undertake, either directly or in co-operation with public or private organizations, to take appropriate measures designed inter alia

to remove as far as possible the causes of ill-health."

Question A

Please indicate infant and perinatal mortality rates for the reference period concerned.
Please indicate the life expectancy at birth in your country.

In the course of 90s the **rate of abortions** considerably decreased. For the time being the lowest number of abortions, for the time of their recording, was achieved in 2000. The main causes of this positive phenomenon are considered to be the widespread use of all possible types of contraceptives, much better chances of self-fulfillment of young people, smaller support of the state provided to children and also the introduction of fees for abortion other than due to health reasons.

Of the total number of 44,894 abortions in 2000, embryonic abortions represented 59.7%, miscarriages 24.4%, other legal abortions 12.8%, and extra-uterine pregnancies 3.1%. 14.1% of pregnancies were aborted due to health reasons. Miscarriages amount to 18 – 28% of all abortions.

With the number of **infant mortality rate** of 5.9 permil in 1997, the Czech Republic reached the level of the European Union. In 2000, the value of infant mortality rate amounted to 4.1 permil, and the rate of mortality of newborns 2.5 permil. The low birth weight of newly born babies has an impact on the amount of the infant mortality rate. The proportion of newborns with birth weight below 2,500 g of the total number of babies born alive amounts to nearly 6%, however their proportion of the total number of deceased infants represents approximately 60%.

In 2000, **life expectancy at birth** in the CR represented 78.35 years for women and 71.65 years for men.

Question B

Please describe any special measures taken to protect the health of:

a. pregnant women, mothers and babies;

b. children and adolescents;

c. the elderly;

d. disadvantaged persons or groups (for example the homeless, families with many children, drug addicts and the unemployed, etc.).

Please supply information on all measures taken to protect the reproductive health of all persons in particular adolescents.

Among measures, adopted for the protection of the health of pregnant women, there is the centralization of risk pregnancies into perinatological centers and the improvement of prenatal care for risk pregnancies. Integral part of the perinatological centers is formed by the

highly specialized work places of neonatal care for premature infants, or infants with low birth weight.

Among measures for the protection of health of children and minors, there is mainly the system of uniform preventive check-ups, targeted at the monitoring of the general development of children, and the immunization program based on the vaccination calendar. Comprehensive preventive check-ups during the infant age aim at monitoring the period of breastfeeding, the development of length and weight, eyesight, hearing, speech, development of dentition, locomotive organs, psychomotor abilities, and the level of the parental care for child.

Endangered and chronically ill or handicapped children are assigned to special treatment groups, in which they are increasingly monitored by pediatrician and relevant specialists. In average, each fifth child is yearly monitored by the special treatment care of the pediatricians.

The basic care guaranteed by the state in the field of prevention and treatment of addictive diseases includes:

- outpatient establishments for the treatment of addictive diseases,
- programs providing specialist services to drug users,
- psychiatric services (dual diagnoses, crisis intervention),
- general practitioners and doctors of other clinical fields (general medicine, gynecology, surgery, internal medicine),
- network of bed care
    - alcohol and drug detoxication detention center,
    - detoxication ward,
    - short-term and mid-term institutional treatment,
    - residential care in therapeutic communities (some establishments partially overlap, in its specifics, the competence of the Ministry of Labor and Social Affairs),
    - specialized establishments in the competence of the Ministry of Justice (providing protective or voluntary treatment to persons sentenced to imprisonment or detention on remand, and other programs for imprisoned persons),
    - specialized bed establishments for addicts or children and teenagers endangered by addiction under direction of the Ministry of Education, Youth and Sports.

Article 11, paragraph 2

"With a view to ensuring the effective exercise of the right to a protection of health, the Contracting Parties undertake, either directly or in co-operation with public or private organizations, to take appropriate measures designed inter alia:

to provide advisory and educational facilities for the promotion of health and the encouragement of individual responsibility in matters of health;"

Question A

Please indicate, what advisory and screening services exist:

a. for schools;
b. for other groups.

Legislation of the health education is embodied in the Act No 20/1966 Coll., on Care of People's Health , in the provision of Article 13 and subsequent provisions. According to these provisions, health care establishments and their health care workers play the decisive role in the health education of people, carried out in the close link to other educational activities. The tasks of the health education of people are fulfilled by all the health care establishments and their health care workers in co-operation with the family, school, economic organizations and citizens' associations, as an integral part of their everyday activity. The Ministry of Health is authorized to manage the health education of people.

In compliance with the Act No. 258/2000 Coll., on the Protection of the Public Health, the district hygienist is also obliged to realize the local programs of protection and support to the public health, to monitor indicators of the health of the people of his territory, to provide advisory services, with regard to healthy life style, and to carry out the education of the support and protection of the public health.

Advisory and diagnostic services are defined by the Act No 76/1978 Coll., on School Establishments. Advisory establishments specialized exclusively for the support of individual responsibility in terms of health issues are not introduced by the school provisions. The establishments of educational advising are, in compliance with the Article 34, the educational advisor, and, in compliance with Article 35, the pedagogical and psychological advisory center.

Elementary schools, special schools, and secondary schools, provide tasks of educational advisory activity by means of educational advisors. Prerequisites of qualifications of an educational advisor are defined by the Notification of the Ministry of Education, Youth and Sports.

Pedagogical and psychological advisory center helps resolving educational and behavioral problems of children from pre-school establishments, pupils of elementary schools, secondary schools, special schools and school educational establishments, helps with the professional orientation of pupils, and provides specialized pedagogical and psychological services to pre-school establishments, schools, and school educational establishments.

Pedagogical and psychological advisory center carries out pedagogical and psychological examinations of children and pupils, provides methodical help to pedagogical workers and educational advisors at schools, and to psychologists in school educational establishments.

Question B

Please describe any measures taken to further health education, including information campaigns.

In 1998, the National Program of Health of the CR, became the integral part of the Action Plan of Health and Living Environment of the Czech Republic (Government Decision No. 810 of 9.12.1998). Its objective is the long-term creation of conditions for improving health of the citizens of the Czech Republic. It is aimed at the prevention of diseases and integration of the segments of society into the general interest in health.

Projects for the support of health contribute to the fulfillment of the objectives of the program. These are preventive projects, the objective of which is the attaining of positive changes in the behavior of people and their living conditions. Non-governmental non-profit organizations can also contest for the participation in the selective tender of the Ministry of Health of the CR for the Projects supporting health of the National Program of Health, and for the **provision of financial assistance** out of the state budget, in case of approval of the registered project.

The contents of the project for the support of health are based on the National Program of Health. Topical fields are closely specified for each year.

Within the period of 1998 – 2001, the total of 929 projects were submitted for the public selective tender of the assistance program, „the National program of health – Projects for the support of health". Based on the results of the public selective tender the total of 528 projects for the support of health were realized in this period (in 1998 138 projects, in 1999 131 projects, in 2000 118 projects and in 2001 141 projects);

- 238 of the realized projects (45.1%) were aimed at the positive affecting of factors of behavior with regard to health, in particular, at making nutrition more healthy, optimizing the movement, and increasing the ability of the projects' target groups to refuse the addictive substances (tobacco, alcohol, drugs);
- 209 of the realized projects (39.4%) were targeted at the primary prevention of socially serious diseases, especially tumor diseases, diseases of the locomotive organs, allergic and cardiovascular diseases, and the prevention of accidents and poisoning. Most of the projects in this area were aimed to be comprehensive;
- 82 of the realized projects (15.5%) were aimed at the promotion, development and reinforcing the healthy life style, and at the support of the healthy living environment in community programs, especially the Healthy School and the Healthy Town.

Within the period of 1998 – 2001, the cooperation on nationwide level of the state and non-governmental organizations in the support to health and creation or expansion of the network of work places participating jointly in the realization of several programs (for instance the "Program of prevention of tumor diseases", program „Healthy School" and „Healthy Town", the program „Smoking and Me", and the contest „Stop and Win"), expanded.

In 2001, 141 projects for the support of health were realized;

- 59 of the realized projects (41.8%) were aimed at the positive changes of behavioral factors with regard to health, in particular, at optimizing the movement activity, making nutrition more healthy, and increasing abilities of the projects' target groups to refuse the addictive substances (tobacco and alcohol);
- 60 of the realized projects (42.6%) were targeted at the primary prevention of socially serious diseases, especially comprehensive prevention of the tumor diseases and the prevention of injuries and poisoning;

- 22 of the realized projects (15.6%) were targeted at the promotion, development and reinforcement of healthy life style, and the support to the healthy living environment in community programs, in particular, Healthy School and Healthy Town.

In 1990, the Government adopted the **National Program of HIV/AIDS prevention.** Projects for HIV/AIDS prevention contribute to the fulfillment of the objectives set by the program. These projects are submitted every year to the Ministry of Health with an application for financial assistance allocated based on a selective tender out of the state budget.

Article 11, paragraph 3

„With a view to ensuring the effective exercise of the right to protection of health the Contracting Parties undertake, either directly or in co-operation with public or private organizations, to take appropriate measures designed inter alia:

to prevent as far as possible epidemic, endemic and other diseases.“

Question A

Please indicate what measures other than those mentioned above are taken to prevent epidemic, endemic and other diseases (compulsory or optional vaccination, disinfection, epidemics policy).

This legislation is embodied, in particular, in Act No. 20/1966 Coll., on Care of People‘s Health, and in Act No. 258/2000 Coll., on the Protection of the Public Health and on Amendment of Several Associated Acts.

The Act on Care People‘s Health deals with the issues in concern, in particular, in provision of Article 15 and subsequent provisions, that define the activity in the area of hygiene, and combat against infectious diseases. According to these provisions, the health care establishments professionally guide bodies, organizations and individual citizens, in creating and protecting the healthy living conditions, help them with the fulfillment of their tasks, and inspect their systematic and uniform implementation. Their health care employees fulfill these tasks as an integral part of their everyday activity within the extent corresponding to their job description.

Special expert tasks in the field of protection of the public health are fulfilled, according to the Act on the Protection of Public Health, by the establishments and bodies of the public health protection. This act defines the **hygienic requirements for the execution of epidemiologically serious activities** (hereinafter only as ČEZ). The following work activities are considered to be epidemiologically serious activities (ČEZ); the work activities during the production and introduction of food into circulation, except for transportation and storage of packaged food, work activities within catering services during the production of cosmetics, at barbershops, hairdressing shops, pedicure shops, manicure shops, and at places where special equipment is used (for instance solaria, myostimulators) for the body care, in cosmetic, massage, regeneration and reconditioning services, if during their operation, individuals come into direct contact with food, meals, cosmetics or body of the consumer. Provision of Article 19 and the following determine:

- prerequisites for the execution of ČEZ (individuals performing ČEZ must have health capacity for this activity and the knowledge necessary for the protection of public health),
- obligations of individuals performing ČEZ (i.e. mainly the obligation to take the medical check-ups and examinations, in the cases regulated by the implementing provisions, or by the decision of the competent body of public health protection, the obligation to inform the general practitioner about the kind and nature of their work activity, the obligation to have a health certificate on them while executing their work activity, and to submit it on request to the body of the public health protection),
- conditions for operation of ČEZ (the act generally defines the obligation of the persons operating ČEZ to provide that during this activity the health of individuals is not endangered or damaged by infectious diseases, or otherwise damaged. Only water complying with, at least, the indicators and limits of potable water can be used for the performance of ČEZ, unless stipulated otherwise by a special statutory provision),

- prohibitions and conditions of some performances, and
- other conditions for the operation of catering services.

Rights and obligations of persons in the area of **prevention of emergence and spread of infectious diseases,** are defined by the provision of Article 45, and subsequent provisions of the Act on the Protection of Public Health. Specifically, it embodies legislation relating to vaccination, protective disinfection, desinfestation and deratization, the procedure for ascertainment of infectious diseases (that is further specified in the Ministry of Health Notification No. 440/2000 Coll., Regulating Conditions for the Prevention of Emergence and Spread of Infectious Diseases and Hygienic Requirements for the Operation of Health Care Establishments and Social Care Institutions), and the conditions for examination of infection caused by the human immune deficiency virus.

Health care establishments of medical preventive state care and persons operating non-state health care establishments cooperate with the bodies of the public health protection in protection from emergence, spread, and in control of the emergence of infectious diseases, and they implement measures set by law or measures adopted by bodies of public health protection. Health care establishments are obliged to provide and carry out regular, special and extraordinary vaccinations, vaccinations in the case of injuries, wounds, wounds that are not healing, and prior to some treatment performance, or as the case may be, they carry out the passive immunization of individuals who are in their care, in the extent regulated by the implementing statutory provision. The issues of vaccination are itemized in detail, in the implementing Ministry of Health Notification No. 439/2000 Coll., on Vaccination against Infectious Diseases. This notification regulates, in particular, the division of vaccinations and conditions for the carrying out vaccinations, methods of immunity examinations, workplaces with higher risk of emergency of infectious disease, and it determines the conditions under which individuals can be assigned, in association with special vaccinations, to these work places.

Vaccination substances for regular vaccinations (i.e. vaccination of children against tuberculosis, diphtheria, tetanus and pertussis, poliomyelitis, measles, parotitis, German measles, invasive disease caused by Haemophilus influenzae b, viral hepatitis B, in case of defined range of persons, also vaccination against influenza and infections caused by streptococcus pneumoniae, and, in certain cases, also vaccination against viral hepatitis A and viral hepatitis B), special and extraordinary vaccinations, except for those paid by the public health insurance, are paid from state budget funds. Other vaccinations are provided for the price agreed with the person who ordered their application, unless special statutory provisions stipulates otherwise. As a rule, however, the **free of charge principle** is applied. Second applied principle is **the principle of obligation of subjection to this vaccination.**

Beside the aforementioned infections, the population of the CR, older than 15 years, is vaccinated against tetanus in the intervals of 10-15 years, then there is the vaccination applied in the case of injuries, wounds or wounds that are not healing, where the vaccination against tetanus and against rabies in the case of being bitten or wounded by an animal suspected of being infected by rabies, belongs.

In compliance with the recommendation of the State Health Organization, for the purposes of travels abroad, only the vaccination against yellow fever is mandatory, and only for travels to places where yellow fever occurs.

In case of interest, in other than the aforementioned vaccinations, the provision of the following vaccinations is ensured; vaccination against tick encephalitis, meningococcal meningitis and several other infections.

Question B

Please indicate what general measures are taken in the public health field, such as:

a. i. prevention of air pollution,
ii. prevention of water pollution,
iii. prevention of soil pollution;
b. protection against radioactive contamination;
c. *protection against noise pollution;*
d. *food hygiene inspection;*
e. *minimum housing standards;*
f. *measures taken to combat smoking, alcohol and drug abuse, including multiple addiction, as well as against sexually transmitted diseases.*

One of the significant measures in the field in concern is, in particular, the realization of the **Action Plan of Health and Environment of the Czech Republic,** adopted by the Government Decree No. 810/1998. The Council for Health and Environment, as the advisory and working body of the Government, contributes significantly to the inspection and coordination of the tasks arising from the Action Plan. The Government is regularly once a year informed about the fulfillment of the tasks arising from the Action Plan and on the activities of the Council. In Government Decree No. 706/2000 the Government of the CR expressed their approval with the proposal of ratifying the **Protocol on Water and Health.** On 15.11.2001 ratified Protocol on Water and Health was deposited at the depositary. The Czech Republic thus ranks among the first countries to ratify the aforementioned protocol. By the aforementioned Government Decree, further measures for the realization of the 3rd ministerial conference on environment and health were adopted, including The Charter on Transportation, Environment and Health.

The CR Government Decree No. 369/1991 established the **System of monitoring the population's health with regard to environment.** Its basic objective is to evaluate relationships between the degree of pollution of environmental segments and the health of population. It is implemented in 30 selected towns of the country and it has six sub-systems:

- effects on health and risks arising from polluted air,
- effects on health and risks arising from pollution of drinking water,
- effects on health and negative effects of noise,
- effects on health arising from the burdening of human organism with foreign substances from food chains, dietary exposition,
- effects on health arising from exposition of human organism to toxic substances from external environment, biological monitoring,
- health conditions and monitoring of selected indicators of demographic and health statistics.

Current results of monitoring provide the basic database for the evaluation of expositions and health condition. It is necessary to create long-term time lines necessary for comparing changes of factors in time, for the purposes of subsequent evaluation of the relationships between the pollution of environmental segments, living conditions and the population's health condition, because the direct evaluation of possible causal relationships between the environment and health condition is otherwise unrealistic.

The basic act embodying protection of environment (which serves as a base for special legislation of the individual segments of environment) is the Act No. 17/1992 Coll., on Environment.

According to this act, the environment means everything that goes to make up the natural conditions in which organisms exist, including humankind, and is a precondition of their further development. The act specifies the elementary principles for the purpose of environmental protection and stipulates sanctions for damaging environment.

Preventive measures in the area of **air pollution** are embodied in the Act No. 309/1991 Coll., Air Protection Act, which defines, in particular, the air pollutants, sources of air pollution, stipulates pollution limits, and defines authorizations and duties of the air protection authority. The air protection authorities are authorized to order a restriction, or halting of an operation of a particular pollution source. Itemized legislation of air protection authorities and charges for air pollution (paid by legal entities and individuals operating major, medium, and small-range pollution sources) are embodied in the Act No. 389/1991 Coll., on Air Protection Management and Air Pollution Charges. Annex to this act stipulates the yearly amount of charges for bringing air pollutants in the air.

Preventive measures in the field **of water pollution** were embodied in the monitored period, in the Act No. 138/1973 Coll., on Water (Water Act). It in particular defined the basic duties in water handling, activities requiring permit (or, as the case may be, approval, or opinion) of a competent authority, protected areas of natural water accumulation, and protected zones, handling waste water, water courses, and their management, etc. The Act No. 130/1974 Coll., on Water Management, was linked to this Act. It defined in particular the water management authorities and their competence (powers), water management supervision and imposing fines (for unauthorized use of water, for unauthorized disposal of substances harmful to water, for unauthorized discharge of water etc.).

Effective on 1.1.2002, these acts were repealed and substituted by a sole Act No. 254/2001 Coll., on Water and on Alteration of Several Acts (Water Act). This Act is based on the previous legislation and it also defines as its purpose the protection of surface and underground water. Implementing statutory provisions, especially Ministry of Agriculture Notification No. 20/2002 Coll., on Method and Frequency of Measuring Quantity and Quality of Water, should contribute to the same purpose.

Preventive measures in the field of **soil pollution** were within the monitored period embodied in particular in the Act No. 334/1992 Coll., on Protection of Agricultural Land , in the Act No. 114/1992 Coll., on Nature and Landscape Conservation, and in the Act No. 125/1997 Coll., on Waste (and in implementing Ministry of Environment Notification No. 338/1997 Coll., on Details of Waste Handling).

Protection of Agricultural Land Act regulates the management of agricultural land. According to provision of Article 3, the owners or lessees of the land must manage their agricultural land so that they do not pollute the soil, and thus the food chain, and the sources of drinking water with harmful substances endangering health of life of people and the existence of living organisms, so that they do not damage surrounding land and the favorable physical, biological and chemical features of the soil, and so that they protect the land they manage, in accordance to the approved projects of land adjustment. The owners or lessees of agricultural land are obliged to enable the authorities of the agricultural land protection the entry to the land for the purpose of supervision and inspection activity. For serious reasons, the authorities of agricultural land protection can impose the elimination of ascertained faults, or, as the case may be, decide that land contaminated by harmful substances endangering health or life of people must not be used for the production of agricultural products entering the food chain. For not meeting the measure, the body of state administration is authorized to impose a fine.

Sanctions for polluting soil are also contained in the Act No. 200/1990 Coll., on Transgressions, in particular in provision of Article 35, which stipulates that a transgression is committed by a person who pollutes the soil by inappropriate storage of oils and fuels, pesticides, fertilizers, or, as the case may be, of other harmful substances.

System of protection of persons and environment from harmful effects of ionizing radiation, duties when preparing and carrying out interventions (actions) leading to a reduction of natural irradiation and irradiation caused by radiation accidents, and conditions for ensuring safe handling of radioactive waste, are regulated by the Act No. 18/1997 Coll, on Peaceful Utilization of Nuclear Energy and Ionizing Radiation **(Nuclear Energy Act)** and Alteration and Amendment of Several Acts. The act stipulates the conditions for the execution of activities relating to the use of nuclear energy. It especially emphasizes the principle of prevention. Everyone who utilizes nuclear energy or carries out activities causing radiation, prepares and carries out interventions leading to a reduction of irradiation caused by radiation accidents, and of persisting and natural irradiation, is obliged to meet such level of nuclear safety of radiation protection, physical protection and disaster readiness, so that the risk for endangering life, health of persons and the environment is as low as possible to reasonably achieve, taking the economic and social aspects into account. Duties stipulated by this act are itemized by many implementing provisions (for instance, State Office for Nuclear Safety Notification No. 184/1997 Coll., on Requirements for Ensuring Radiation Protection, State Office for Nuclear Safety Notification No. 146/1997 Coll., Determining Activities Having a Direct Impact on Nuclear Safety, and Activities Especially Important from the Aspect of Radiation Protection, Requirements for Qualifications and Vocational Training, Manner of Verification of Special Expert Qualifications and Granting Authorizations to Selected Employees, and the Manner of Preparation of Documentation to be Approved for the Permission for the Training of Selected Employees).

Protection against noise is embodied in the Act No. 258/2000 Coll., on the Protection of the Public Health, in the provision of Article 30 and the following provisions. Person who uses or, as the case may be, operates an equipment and machinery representing a source of noise or vibrations, the operator of an airport and its owners, or, as the case may be, administrators of ground communications, railroads and the like the operation of which causes noise, are obliged to ensure by means of technical, organizational, and other measuresthat the noise does not exceed hygienic limits regulated by the implementing legal provision. Provided that during the use, or, as the case may be, operation of the source of noise, except for airports, the hygienic limits cannot be met due to serious reasons, the person can operate the source of noise or vibrations only based on a permit issued on the proposal of this person by the competent authority of the public health protection. Authority of public health protection issues a permit limited in terms of time, if the person proves that the noise has been reduced to a reasonably achievable extent and that by the operation or use of the noise or vibrations source the public health will not be endangered.

Hygienic limits of noise and vibrations for the day time and the night time, manner of their measurement and evaluation, are regulated, in more detail, in the Government Decree No. 502/2000 Coll., on Protection of Health Against Adverse Effects of Noise and Vibrations.

Legislation of **food industry inspection** is embodied, in particular, in the Act No. 63/1986 Coll., on Czech Agriculture and Food Inspectorate, in the Act No. 166/1999 Coll., on Veterinary Care, and in the Act No. 258/2000 Coll., on the Protection of the Public Health, which stipulates that the authority of public health protection is authorized to prohibit the use of a substance, raw material, semi-product or food hazardous to health, designated for the

production or preparation of food, and to order a sanitation, or change to a technological process of the production, or preparation of food (provisions of Article 84).

According to the provision of Article 2 of the Act on the Czech Agriculture and Food Inspectorate, the inspection is inspecting whether food produced or introduced to the circulation by legal entities and individuals meets the requirements specified by special statutory provisions (for instance, by the Act No. 110/1997 Coll., on Food and Tobacco Producers and on Alteration and Amendment of Several Related Acts, or by the Act No. 115/1995 Coll., on Vineyards and Wine Industry, and on the Alteration of Several Related Statutory Provisions), whether conditions stipulated by special provisions are met during the production and introduction of food into the circulation, whether features of the food introduced to the circulation correspond to the written statement on conformance, and whether this statement was issued in the manner and to the extent specified by a special provision, and whether customer is not deceived.

Act No. 50/1976 Col., on Town and Country Planning and the Building Code (**Building Act),** stipulates in the provision of Article 47 that only those products and civil engineering structures, can be included in a project design or used in its implementation properties of which are appropriate for the envisaged purpose of the designed structure (building, house) and guarantee that the structure (building, house), when properly constructed and routinely maintained during its expected life span, will meet the requirements of mechanical strength and stability, fire prevention, hygiene, protection of health and the environment, safety during its use (including use by handicapped persons and persons with a reduced sense of direction), protection against noise, energy-saving and protection of heat. The properties of building products which are decisive for the final quality of a particular structure must be guaranteed under other legal provisions (i.e. in particular in accordance to the Act No. 22/1997 Coll., on Technical Requirements for Products and on Alteration and Amendment of Several Acts). The viewpoint of health protection, as one of the decisive viewpoints, is embodied also in other provisions of the Building Act (building (permit) proceedings – provision of Article 62, approval for use (completion) proceedings – provision of Article 81, ordering of safety work procedures – provision of Article 94, evacuation of a structure – provision of Article 96 etc). Legislation is wider itemized in the implementing provisions, especially in Ministry for Regional Development Notification No. 137/1998 Coll., on General Technical Requirements for Development; provision of Article 22 stipulates, as a general requirement, that a structure must be designed and constructed in such a manner that it does not endanger the life, health, healthy living conditions, of their users and users of surrounding structures, and that it does not endanger living environment by exceeding the limits specified in special provisions, especially, as a consequence of releasing substances hazardous to health and lives of persons and animals, the presence of dangerous particles in the air, releasing emissions of dangerous radiation, adverse effects of electromagnetic radiation, air and soil pollution, insufficient disposal of waste water, of smoke, solid or liquid wastes, occurrence of dampness in civil engineering structures, or on the surface of civil engineering structures on the inside of the structures, insufficient sound isolation properties.

Measures for the **fight against alcoholism** and other drug addictions are defined, in particular, by the Act No. 37/1998 Coll., on Protection against Alcoholism and other Drug Addictions. Protection against alcoholism and other drug addictions, including smoking, is implemented, in particular, by education, restrictive measures (for instance the prohibition of serving alcohol to persons under the age of 18 years, to persons being evidently under influence of alcohol, to persons driving a motor vehicle, etc.), by the treatment in short-term rehabilitation center for disorderly alcoholics, preventive treatment care, social care, imposing fines and sanctions according to other statutory provisions. Education for protection against

alcoholism and other drug addictions, including smoking, is implemented, in particular, by demonstrating of how harmful an excessive or otherwise harmful drinking of alcoholic beverages and the abuse of other addictive substances and smoking is, by promoting the principles of healthy life style, and by guidance in healthy and beneficial use of leisure time of children, youth and grown ups, and by the promotion of drinking soft drinks.

Persons addicted to alcohol or other addictive substances, including nicotine addicts, are provided with medical preventive care by the health care establishments, if their health condition requires so. Persons addicted to alcohol or other addictive substances whose treatment in a health care establishment was completed, and who are not socially adapted, or whose condition requires a social care, are provided with social care.

Measures against **sexually transmitted diseases** are defined in the Act No. 258/2000 Coll., on the Protection of the Public Health (and in the implementing notifications), in provisions relating to the treatment of infectious diseases. For the purposes of protection against emergence and spread of infectious diseases and for the purposes of restricting their occurrence, individuals are obliged to undertake the treatment of an infectious disease, specified in Ministry of Health Notification No. 440/2000 Coll., Regulating Conditions for the Prevention of Emergence and Spread of Infectious Diseases and Hygienic Requirements for the Operation of Health Care Establishments and Social Care Institutions.

List of source to the Article 11:

- *Act No. 2/1993 Coll.,* ***the Charter of Fundamental Rights and Freedoms***
- *Act No. 20/1966 Coll.,* ***Act on Care People's Health,*** *as amended*
- *Act No. 48/1997 Coll.,* ***on Public Health Insurance and on Alteration and Amendments of Several Related Acts,*** *as amended*
- *Act No. 258/2000 Coll.,* ***on Protection of Public Health and on Alteration of Several Related Acts,*** *as amended*
- *Act No. 17/1992 Coll.,* ***on Environment,*** *as amended*
- *Act No. 389/1991 Coll.,* ***on Air Protection Management and Air Pollution Charges,*** *as amended*
- *Act No. 309/1991 Coll.,* ***Air Protection Act,*** *as amended*
- *Act No. 138/1973 Coll.,* ***on Water (Water Act),*** *as amended*
- *Act No. 130/1974 Coll.,* ***on Water Management,*** *as amended*
- *Act No. 254/2001 Coll.,* ***on Water and on alteration of several acts (Water Act),***
- *Act No. 334/1992 Coll.,* ***on Protection of Agricultural Land,*** *as amended*
- *Act No. 114/1992 Coll.,* ***on Nature and Landscape Conservation,*** *as amended*
- *Act No. 125/1997 Coll.,* ***on Waste,*** *as amended*
- *Act No. 200/1990 Coll.,* ***on Transgressions,*** *as amended*
- *Act No. 18/1997 Coll.,* ***on Peaceful Utilization of Nuclear Energy and Ionizing Radiation (Nuclear Act) and on Alteration and Amendment of Several Acts,*** *as amended*
- *Act No. 63/1986 Coll.,* ***on Czech Agricultuel and Food Inspectorate,*** *as amended*
- *Act No. 110/1997 Coll.,* ***on Food and Tobacco Products and on Alteration and Amendment of Several Related Acts,*** *as amended*
- *Act No. 115/1995 Coll.,* ***on Vineyards and Wine Industry and on Alteration of Several Related Statutory Provisions,*** *as amended*
- *Act No. 50/1976 Coll.,* ***on Town and Country Planning and Building Code (Building Act),*** *as amended*
- *Act No. 22/1997 Coll.,* ***on Technical Requirements for Products and on alteration and amendment of several acts,*** *as amended*
- *Act No. 37/1989 Coll.,* ***on Protection against Alcoholism and other Drug Addictions,*** *as amended*
- *Act No. 166/1999 Coll.,* ***on Veterinary Care and on Alteration of Several Related Acts (Veterinary Act),*** *as amended*
- *Act No. 76/1978 Coll.,* ***on School Establishments,*** *as amended*
- *Government Decree No. 502/2000 Coll.,* ***on Protection of Health against Adverse Effects of Noise and Vibrations,***
- *Ministry of Health Notification No. 56/1997 Coll.,* ***Determining the Contents and Time Intervals of Preventive Check ups,*** *as amended*
- *Ministry of Health Notification No. 439/2000 Coll.,* ***on the Vaccination against Infectious Diseases,***
- *Ministry of Health Notification No. 440/2000 Coll.,* ***Regulating Conditions for the Prevention of Emergence and Spread of Infectious Diseases and Hygienic Requirements for the Operation of Health Care Establishments and Social Care Institutions,***
- *Ministry of Agriculture Notification No. 20/2002 Coll.,* ***on the Method and Frequency of Measuring Quantity and Quality of Water,***
- *Ministry of Environment Notification No. 338/1997 Coll.,* ***on Details of Waste Handling,***

- *State Office for Nuclear Safety Notification No. 184/1997 Coll.,* ***on Requirements for Ensuring Radiation Protection,***
- *State Office for Nuclear Safety Notification No. 146/1997 Coll.,* ***Determining Activities Having a Direct Impact on Nuclear Safety, and Activities Especially Important from the Aspect of Radiation Protection, Requirements for Qualifications and Vocational Training, Manner of Verification of Special Expert Qualifications and Granting Authorization to Selected Employees and the Manner of Preparation of Documentation to be Approved for the Permission for Preparation of Selected Employees,***
- *Ministry for Regional Development Notification No. 137/1998 Coll.,* ***on General Technical Requirements for Development.***

ARTICLE 14: THE RIGHT TO BENEFIT FROM SOCIAL WELFARE SERVICES

Article 14, paragraph 1

„With a view to ensuring the effective exercise of the right to benefit from social welfare services, the Contracting Parties undertake:

to promote or provide services which, by using methods of social work, would contribute to the welfare and development of both individuals and groups in the community, and to their adjustment to the social environment."

Question A

Please describe the measures taken to apply this provision and list the principal social services of the type mentioned, describing their functions and the target groups they serve.

The community centers are the primary contributors to this purpose. Generally, the target groups are usually the socially excluded communities, or youth endangered by a risk trend, or women with small children who are on maternity leave.

- **Community center**

The objective of the community center range of services is the induction and support to the improvement of the quality of life of people in the local community by means of activation and integration of sources of individuals, groups and society. The target groups consist mainly of people who live in the same locality and have certain common interests or needs.

The range of services contains, in particular, the following elementary aspects: provision of information, mediation of a contact with the social environment, help with the enforcement of rights and interests, pedagogical, educational and activation services. The manner of services provision is operated with regards to the local characteristic features and needs of the target group. Provision of services is limited in time.

- **Help in crisis**

Help in crises is a service program, the objective of which is the relief of a person who is in difficult life situation, strengthening of his abilities to solve this situation on his own and lowering the risks of negative impacts of the situation on the client and his environment. This help is provided to people who find themselves in a life situation they perceive as urgent and pressing, and which they are not capable of resolving themselves nor with the help of their environment.

The range of services of help in crisis provides, obligatorily, the contact with the social environment, help with enforcing rights and interests, provision of information, and further, optionally, other services, mainly in psychotherapy and pedagogical, educational and activation services. Help in crises is provided non-stop with the availability of a crisis bed. Provision of the services is based on an individual plan of crisis help. The duration of the service is limited in terms of time, in case of hospitalization it does not usually exceed seven days.

- **Boarding houses and homes for seniors and persons with health handicap**

Boarding houses and homes for seniors and citizens with health handicap provide a range of residential services, the objective of which is the support to the self-sufficiency of a person and the provision of conditions for dignified active life. These services are provided to persons who are not due to the health or other reasons capable of providing for their life needs in their own environment, and whose situation cannot be resolved by the help of their family or by means of field social services.

Home for seniors and citizens with health handicap provides, according to the individual needs of person, mainly the accommodation, catering, assistance during self-attendance, pedagogical, educational and activation services, assistance with the enforcement of their rights and interests, help with running household and provision of information.

The manner of providing these services enables the persons to preserve their self-activity and independence to the highest possible degree. Provision of the service is not limited in terms of time. The service is provided according to the degree of one's self-sufficiency and the state of health of the person.

- **Personal assistance**

Personal assistance is a range of services the objective of which is to help a person with health handicap to handle by means of a personal assistance the tasks he could do himself, had he not been handicapped. The range of services encompasses in particular the help with running the household, assistance during self-attendance, catering, contact with social environment, help with the enforcement of rights and interests. Provision of the service is not limited in terms of time.

- **Nursing service**

Nursing service is a range of services, the objective of which is to enable people, who would, otherwise, not be able to, due to their health problems or due to other reasons, live in their own natural environment. This is a range of services, the aspects of which are, in particular: help with running the household, catering, assistance with self-attendance, contact with social environment, help with enforcement of one's rights and interests, provision of information, pedagogical, educational and activation services, emergency calls.

The manner of service provision respects the individual needs of the person. Service can be provided, once-off or long-term, without time limitation.

- **Consulting services**

Consulting is a range of services, the objective of which is to provide users with the information on their rights, obligations and justified interests, offer various possibilities of resolving their difficult life situation, and to help realize these options. The range of services consists mainly of these elementary aspects: provision of information, help with enforcement of one's rights and interests, pedagogical, educational and activation services. The manner of the service provision supports the person in resolving difficult life situation. Consulting can be provided once-off or repeatedly. In case of repeating, it is limited in time by the fulfillment of the individual case.

- **Early care**

Early care is a range of services, the objective of which is the support to the whole family and the support to the development of a child with health handicap, or endangered by biological factors, or by the influence of environment in the child‘s early age. It is aimed at families who have a child with health handicap or with a health risk, up to its 4 (at the maximum 7) years of age. The early care range of services consists of mainly the following elementary aspects: pedagogical, educational and activation programs, help with enforcement of its rights and interests, provision of information and psychotherapy. Provision of these services is time limited by the age of the child.

- **Asylum houses**

Asylum houses is a range of services, the objective of which is to help to a person to resolve a difficult life situation and become independent on the system of social support or minimize this dependency. The asylum houses range of services consists mainly of the following elementary aspects: accommodation, catering, provision of information, pedagogical, educational and activation services, help with enforcement of the person’s rights and interests, psychotherapy. The manner of this service provision enables the persons to activate or mobilize their own potentials towards a positive change in their life. This service provision is time limited according to the individual plan of assistance.

- **„The Half Way Houses”**

This is a range of services, the objective of which is to help young people in the process of the gradual integration into independent, regular life style, and to become independent on the system of social support, or, as the case may be, minimize this dependency. It is aimed at young people, at the age close to the age of an adult, who find themselves in such a life situation they perceive as difficult and urgent, and which they are not capable of resolving themselves, nor with the help of their close environment, and the life in a family is not available for them.

The range of these services comprises of the following elementary aspects: accommodation, catering, provision of information, pedagogical, educational and activation services, help with the enforcement of their rights and interests. The manner of the service provision respects the specific characteristic features of the target group, in particular, the age and individual psycho-social situation. The range of services provides accommodation and, at the same time, social training aimed at the development of psycho-social skills and other personal abilities. The service provision is time limited. Its length is determined by the individual plan of assistance.

- **Contact work**

The objective of contact work is the creation and maintaining of a contact and the provision of needs of individuals, or groups, in their natural environment. The target group of the contact work are individuals and social groups who, based on their difference, cannot, or are unwilling, to seek the standard institutional help, and in whose case it can be assumed that provided help is needful and purposeful. Contact work consists of these obligatory elementary aspects: help with the enforcement of one’s rights and interests, pedagogical, educational and activation services, provision of information, and further optional aspects, such as psychotherapy, accommodation, hygiene, catering. The manner of provision of this service is differentiated into mobile contact work (street work) and short stay contact work at the centers.

- **Reception centers**

Reception center is a range of services the objective of which is to lower the social and health risks associated with the life style and provide information on other social services. Reception centers are aimed at homeless people.

The reception centers range of services comprises of the following elementary aspects: reception center as an independent establishment without linking services, reception center with a daily center, reception center with the premises of an asylum home or another establishment of social services. Provision of the service is limited in terms of time.

- **Respite care**

Respite care is a range of services, the objective of which is to provide a person taking care of close person with the possibility and time to rest and to perform also other activities than the home care for a close person. Recipient of the service is a family member or a person who takes care for a close person all day long.

The respite care range of services consists of the following obligatory elementary aspects: assistance with self-attendance, help with running the household, catering, pedagogical, educational and activation services, and of optional aspects; accommodation, help with the enforcement of one's rights and interests, provision of information, psychotherapy, contact with social environment. The place of the service provision depends on the client's decision, predominantly it is the household, sporadically it is a residential family, or an establishment of daily or weekly type.

- **Therapeutic communities**

Therapeutic communities is a range of services, the objective of which is a general convalescence of a person abusing drugs, change of his life style and full integration into everyday life. They are targeted at persons addicted to in particular addictive substances or gambling.

Therapeutic community range of services consists of the following elementary aspects: accommodation, catering, provision of information, mediation of contact with social environment, psychotherapy, help with the enforcement of one's rights and interests, pedagogical, educational and activation services. The service provision is time limited, based on the contract between the user and the service provider.

- **Centers of Daytime Services**

The objective of the Center of the daytime services range of services is to provide help to the users during the resolution of their problems and expansion of the possibilities of handling them on their own, to develop the social and work skills of the user, necessary for the finding and maintaining employment on the open labor market, and the support to the user in maintaining a job in the open labor market under the equal pay conditions. The target group of the range of services are people who, due to consequences of various diseases, find themselves in a social isolation, people with physical, mental, sensory handicap, or with mental disease, and their families, people who due to their handicap are temporarily unable to work in usual employment, without someone else's help, people who are disadvantaged at the labor market so that they need long-term support directly at their work place in order to obtain and maintain their job.

The Center of Daytime Services range of services consists of the following obligatory elementary aspects: provision of information, help with the enforcement of one's rights and interests, contact with a social environment, and further optional aspects: pedagogical, educational, activation services and psychotherapy. The manner of service provision respects the individual capabilities and needs of the specific person.

- **Short stay centers**

The objective of the short stay center range of services is the maintenance or improvement of quality of life of the users and the provision of the relief to the families or close persons providing care. The services are aimed at persons who due to their age cannot live entirely independently, however, the family or a close person is capable of taking care of them for part of the day in their home environment. The range of services comprises mainly of the following aspects: contact with social environment, help with enforcement of their rights and interests, pedagogical, educational and activation services or psychotherapy.

- **Day time centers**

The daytime center is a range of services, the objective of which is to make the first contact, provision of indispensable conditions for survival, lowering social and health risks and mediation of linking services. The target group consists mainly of people in a difficult life situation who cannot resolve their personal or family problems without external help, and persons who find themselves in a material or a social need.

The daytime center range of services comprises mainly of the following elementary aspects: mediation of the contact with social environment, catering, hygiene, help with the enforcement of one's rights and interests. The daytime centers offer the first contact and provision of elementary needs of a person and cooperate with the providers of linking services.

- **Protected housing**

Protected housing is a comprehensive range of services, the objective of which is to provide people with such a support so that they can lead life independent as much as possible. The target group consists of people who, as a result of their disease or handicap, are long-term or permanently disadvantaged.

The protected housing range of services comprises of the following aspects: accommodation, help with running the household, contact with social environment, provision of information, help with enforcement of one's rights and interests. The service provision can be limited, or unlimited, in terms of time in accordance to the individual needs of the user.

For more detail on the aforementioned services, see also the answer to article 13, paragraph 1.

Question B

Please describe the organization and administration, the financial resources and working methods of these services, their financial and other relations to the organs of social security and the qualifications of the staff employed by these services.

Issues of this area are insufficiently legislatively regulated. General social services are provided by municipalities, regions, district authorities and organizations established by them, by non-governmental non-profit organizations and individuals. Services are financed out of the public funds with the contribution of the user, some are free of charge, according to the law (for more detail see an answer to Article 13, paragraph 1).

Services provided by non-governmental non-profit organizations are subsidized out of the public funds; within the framework of the subsidy proceedings, the expert qualifications of the social workers of the provider are examined.

Question C

Please state what measures have been taken to promote these services during the reference period, whether the individuals are entitled by law to their use or whether those administering have a discretion in granting or withholding them. Please indicate also whether there is a right of appeal against decisions to grant or withhold services

The bill of material intent of the Act on Several Conditions of Providing Social Services was prepared, reflecting the development of the reform of social services; this bill, however, was not ratified.

The individuals are not entitled, by operation of law, to the provision of these services. The process of the provision of social services is described within the answer to the question of the Article 13, paragraph 1 (C).

Article 14, paragraph 2

„With a view to ensuring the effective exercise of the right to benefit from social welfare services, the Contracting Parties undertake:

to encourage the participation of individual, and voluntary or other organizations in the establishment and maintenance of such services.“

Please indicate the measures taken to provide for or to encourage the participation of individuals and charitable organisations and other appropriate organisations in the establishment and maintenance of such services.

The support is realized mainly by means of subsidies, by close cooperation with provider entities, by organizing social conferences, etc.

The Ministry of Labor and Social Affairs of the CR supports projects of publicly beneficial nature by means of subsidies to the non-governmental non-profit entities. Entities to which the subsidy is provided are selected, based on the results of the selective tenders, during which the fulfillment of conditions determined for the projects for the opened programs are examined.

List of sources to the Article 14:

- *Act No. 2/1993 Coll.,* ***the Charter of Fundamental Rights and Freedoms,***
- *Act No. 100/1988 Coll.,* ***on Social Security,***
- *Act No. 114/1988 Coll.,* ***on the Social Security Powers of the Czech Republic Authorities,***
- *MOLSA Notification No. 182/1991 Coll.,* ***Implementing the Act on Social Security and the Act of the Czech National Council on the Competencies of the Authorities of the Czech Republic in Social Security,***
- *NOLSA Notification No. 82/1993 Coll.,* ***on Reimbursement for the Stay in Social Care Institutions,***
- *MOLSA Notification No. 83/1993 Coll.,* ***on Catering in Social Care Facilities,***

ARTICLE 15: THE RIGHT OF PHYSICALLY OR MENTALLLY DISABLED PERSONS WITH DISABILITIES TO VOCATIONAL PREPARATION 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 .“

Question A

Please describe the measures taken to ensure the placement and, if appropriate, the employment of physically or mentally disabled persons (for instance quotas, financial subsidies, etc.).

The Czech Republic‘s legislation for the area of employment defines a disabled citizen as a citizen with reduced work ability (hereinafter ZPS) and a seriously disabled citizen with reduced work ability (hereinafter ZPS with TZP) (see provision of Article 21 and subsequent provisions of the Act No.1/1991 Coll., on Employment).

ZPS citizen is a citizen who, due to a long-term ill-health, has a substantially reduced ability to work or undergo a training for work. Citizens with ZPS are also recipients of pensions based on their long-term ill-health, even though the residue of their working ability enables them to work or undergo a training for work. A citizen with ZPS (a disabled citizen) means a citizen who:

a) is in receipt of a partial disability pension, or
b) is recognized as partially disabled, even though he is not entitled to a partial disability pension.

Citizen with ZPS and TZP (a seriously disabled citizen) means a citizen whose ability to work or undergo a training for work is limited to an unusual extent, and his chances to find a job are limited, and who can work only in a narrow range of jobs or can only be employed under specially adapted working conditions. Citizen with ZPS and TZP (a seriously disabled citizen) is a handicapped citizen who is only able to work systematically under wholly special conditions and who due to this long-term ill-health can be trained for work (future occupation) only under wholly special (extraordinary) conditions.

Citizens not covered by the above mentioned definitions are citizens with ZPS (disabled citizens), or, as the case may be, citizens with ZPS and TZP (seriously disabled citizens) only on the basis of a decision of the appropriate state authority. Citizens over the age of 65 years are not regarded to as citizens with ZPS (disabled citizens), or as the case may be, citizens with ZPS and TZP (seriously disabled citizens).

An increased attention is paid to disabled citizens and their placement at work on the labor market. Within the National Employment Plan and subsequently in the National Action Plans, it is assigned to systematically solve the issue of work assertion of **disabled citizens,** including the manner of financing, i.e.:

- implement a system of comprehensive rehabilitation as a prerequisite to re-integration of a disabled citizen into work activity,
- newly define the range of disabled citizens with an increased protection at the labor market,
- create a system of economic incentives for hiring disabled persons, and unify the existing principles of state support to the employers of disabled persons.

Labor office, with regard to citizens with ZPS (disabled citizens) aim their activities in particular at the area of **resettlement.** At each labor office, as a rule, there is an authorizedmediator, whose job description contains in particular the care for this group of citizens. When providing this kind of services, the mediator takes into account in particular the state of health of the registered citizen, his qualifications potential, abilities, interest, and last but not least, the offer and demand of the labor market.

If a direct reintegration into the labor market is not possible, the mediator tries in cooperation with specialized advisor to **increase the options of employment** of the disabled citizens by means of various tools of the active employment policy as, for instance, the retraining or consulting in terms of occupational and employment selection. With regard to the proposal of the new concept of integral rehabilitation, an interdepartmental working group was established, composed of representatives of the Ministry of Labor and Social Affairs, Ministry of Health, Ministry of Education, Youth and Sports, and the Governmental committee for disabled citizens. The output of its activity in 2001, was the submission of a conceptual document that defined the process of the integral rehabilitation, including the recommendations to prepare a material intent of a bill on integral rehabilitation by 30.4.2002.

It is also possible to apply, for the purposes of activity aimed at disabled citizens (citizens with ZPS), various diagnostic methods that will exactly define the residual work potential of a disabled citizen, and that will enable to define work activities, in which a disabled citizen (citizen with ZPS) could be employed. In case of a long-term unemployment, various motivational courses are realized with the disabled citizen that should prevent the loss of working habits. Special advisors, in cooperation with parents, acquaint the school-leavers of special schools with further educational activities that will enable them to be more competitive on the labor market.

System of tools of employment policy is regulated, in particular, by these statutory provisions:

a) Act No. 1/1991 Coll., **on Employment,** as subsequently amended

b) Act No. 9/1991 Coll., **on Employment and on Activities of the Authorities of the Czech Republic in the Sector of Employment,** as subsequently amended

c) Notification of the Ministry of Labor and Social Affairs No. 115/1992 Coll., **on the Operation of Professional Rehabilitation Services to Citizens with Altered Working Capacity ,** as subsequently amended.

d) Government Decree No. 228/2000 Coll., **on Fixing a Compulsory Proportion of Citizens with Altered Working Capacity in the Total number of Employers´ Employees**
and Departmental Regulation, ***Principles of the Ministry of Labor and Social Affairs for the Provision of Subsidies to Entrepreneurial Entities, Who Employ at least 50% of Citizens with Reduced Work Ability,*** *and* ***Principles of the Ministry of Finance for the***

Provision of Subsidies, from the State Budget of the CR, to Entrepreneurial Entities Employing Citizens with Reduced Work Ability (repealed on 31.12.2000). The purpose of providing the investment and non-investment subsidies and refundable financial assistance is the creation of new employment opportunities for citizens with reduced work ability, or as the case may be, the maintaining of the existing jobs. Specific purpose of subsidies is, in particular, the balancing of impacts of a considerably higher sickness rate, reduced work performance, higher costs of the job creation, and, in particular, for the adjustment of the working environment and implementation of new technologies in order to strengthen the social position of a disabled person. Subsidies and refundable financial assistance (provided by the Ministry of Finance) are designed for entrepreneurial entities engaging in production activity, or provision of service, employing in the year in concern 55% of persons with reduced work ability, while seriously disabled persons are accounted in this calculation three times.

Employer employing a citizen with reduced work ability has further **advantages in the tax field.** In compliance with the Act No. 586/1992 Coll., on Income Tax, the income tax is decreased by the amount of 18 thousand CZK per an employee with reduced work ability, and by 60 thousand CZK per a seriously disabled person with reduced work ability.

The primary objective is to place citizens with reduced work ability to open labor market. According to the Act No. 167/1999 Coll., Which Amends the Act No. 1/1991 Coll., on Employment, the employers employing more than 20 employees have the duty to employ 5% of employees with reduced work ability, and seriously disabled employees with reduced work ability, out of the total number of their employees. Seriously disabled employee with reduced work ability is accounted three times for these purposes. Employer can fulfill this obligation in three different ways, or in a combination of thereof, in the following way:

- actually employing disabled persons,
- buying products from employers employing more than 55% of employees with reduced work ability,
- transfer payments to the state budget in the amount of multiply 0.5 of the average wages in the national economy for the 1st – 3rd quarter of the year in concern for each citizen with reduced work ability for which the employer did not meet the obligatory proportion number of these employees.

The amount of this payment, set by the Act on Employment, did not motivate the employers to employ these persons, nor to buy products from employers employing predominantly citizens with reduced work ability. Therefor, the Act No. 474/2001 Coll., was approved at the end of 2001. This act increased the amount of this transfer payment for each citizen with reduced work ability, for which the employer did not meet the obligatory quota, to 1.50 multiply of the average wage in the national economy for the 1st – 3rd quarters of the year, in which the obligatory quota was not met. At the same time, the duty to hire employees with reduced work ability was set for the employers who employ more than 25 employees.

Effective on 1.1.2002, the Act No 474/2001 Coll., introduced contributions to the employers employing more than 50% of employees with reduced work ability out of the total number of their employees. The purpose of the contribution is to partially compensate the increased costs of employers associated with employing citizens with reduced work ability and seriously disabled citizens with reduced work ability. The contribution is provided by the labor office territorially relevant in accordance to the registered office of the employer. It is provided in the amount of 0.35 multiply of the average wage in national economy ascertained for the 1st – 3rd quarters of the preceding calendar year, for each employed citizen with reduced work ability.

If the citizen was not placed in the free labor market due to a lack of job opportunities, or due to another reason, the citizen is placed, by means of the tools of the active employment policy, at protected work places, at protected work shops or protected work places within the free labor market. Provision of **contribution for the establishment or operation of a protected work shop or a work place** is regulated by MOLSA Notification No. 115/1992 Coll., on Implementation of Work Rehabilitation of Citizens with Reduced Work Ability. Protected workshops and protected work places are work places operated by legal entities and individuals, if at least 60% of citizens with reduced work ability work there. A protected work place is also a work place established in the household of the citizens with reduced work ability.

A labor office can provide an employer for the establishment of a work place for a citizen with reduced work ability in a protected work shop or at a protected work place with **a contribution** of up to 100,000 CZK per one job. Jobs at the protected work shops or work places are established, in particular, for citizens (or, as the case may be, for applicants for employment) who are seriously disabled, mentally disabled, can deliver only a reduced work performance, and cannot be placed in vacant job openings on the labor market, and, also for citizens with health handicap for the period of their vocational training.

The employer must create the job opportunity on the basis of a written agreement with the labor office, as a rule, for the minimum period of two years from the time the contribution was provided. There is no legal entitlement to the contribution.

Labor office can also provide a contribution in order to get working aids to an applicant for employment, who is a citizen with reduced work ability, and who will be self-employed, however, at the maximum of 100,000 CZK.

Beside the aforementioned contribution for establishment, the labor office can provide a contribution, as a partial reimbursement for the costs of protected work shops or protected work places, up to the amount of 40,000 CZK a year per one citizen with reduced work ability.

Question B

Please indicate the number (actual or approximate) of physically or mentally disabled persons who during the reference period found paid employment (whether in specialised institutions or not).

The development of basic data on the registered unemployed citizens with reduced work ability is presented in the following table. The data is not complete because currently the numbers of all persons with reduced work ability placed at the labor market are not monitored; only the numbers of persons with reduced work ability, placed in protected work shops, are monitored (see item protected work shops – created jobs).

Trend of the basic data on the registered unemployed persons with reduced work ability

(situation at the end of year, or as the case may be, situation, since the beginning of the year)

	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
Registered unemployment rate (in %)	*2,6*	*3,5*	*3,2*	*2,9*	*3,5*	*5,2*	*7,5*	*9,4*	*8,8*	*8,9*
Total number of applicants	*134 788*	*185 216*	*166 480*	*153 041*	*186 339*	*268 902*	*386 918*	*487 623*	*457 369*	*461 923*
Of which: applicants with reduced ability to work	15 502	20 016	22 015	22 687	31 455	40 460	48 951	57 615	59 025	61 518
Of which: seriously disabled applicants	385	693	1 580	1 394	1 239	1 176	**781**	763	787	861
Total number of applicants with contribution	*62 289*	*93 380*	*78 331*	*67 623*	*93 430*	*138 107*	*190 396*	206 836	*164 139*	*169 046*
Of which: number of applicants with reduced work ability with contribution	6 490	7 736	8 129	7 780	13 504	14 598	14 740	14 995	12 651	12 670
The share of persons with reduced work ability, out of the total unemployment number (in %)	11,5	10,8	13,2	14,8	16,9	15,0	12,7	11,8	12,9	13,3
The proportion of applicants with contribution out of the total number of applicants (in %)	*46,2*	*50,4*	*47,1*	*44,2*	*50,1*	*51,4*	*49,2*	*42,4*	*35,9*	*36,6*
Proportion of applicants with reduced work ability, with contribution out of the total number of applicants with reduced work ability (in %)	41,9	38,6	36,9	34,3	42,9	36,1	30,1	26,0	21,4	20,6
Total number of vacant job opportunities	*79 422*	*53 938*	*76 581*	*88 047*	*83 976*	*62 284*	*37 641*	*35 117*	*52 060*	*52 084*
Of which: Vacant job opportunities with reduced work ability	2 316	1 666	1 418	1 506	1 489	1 291	1 242	1 349	2 811	2 108
Number of applicants for one vacant job opportunity	*1,7*	*3,4*	*2,2*	*1,7*	*2,2*	*4,3*	*10,3*	*13,9*	*8,8*	*8,9*
Number of applicants with reduced work ability for one vacant job opportunity for persons with reduced work ability	6,7	12,0	15,5	15,1	21,1	31,3	39,4	42,7	21,0	29,2
Share of vacant job opportunities for persons with reduced work ability, out of the total vacant job opportunities (in %)	2,9	3,1	1,9	1,7	1,8	2,1	3,3	3,8	5,4	4,0
Protected work shops:										
Created jobs *	1 415	1 005	851	824	622	533	920	1 059	1 434	1 032
Expenditures for establishment (in thousand of CZK) **	55 699	23 797	34 223	26 510	17 683	15 881	50 505	53 000	54 892	46 380
Expenditures for operation (in thousand of CZK)	.	24 871	27 406	33 351	39 749	44 005	76 533	109 003	132 995	158 446
Other expenditures (in thousand of CZK)							40	3 833	7 303	6 388

*) protected work shops – situation since the beginning of the year

**) in 1992, including costs for operation – were not monitored separately

List of sources to the Article 15:

- *Act no. 1/1991 Coll.,* ***on Employment,*** *as amended*
- *Act No. 9/1991 Coll.,* ***on Employment and on Activities of the Authorities of the Czech Republic in the Sector of Employment ,*** *as amended*
- *MOLSA Notification No. 115/1992 Coll.,* ***on the Operation of Professional Rehabilitation Services to Citizens with Altered Working Capacity,*** *as amended*
- *Government Decree No. 228/2000 Coll.,* ***on Fixing a Compulsory Proportion of Citizens with Altlered Working Capacity in the Total Number of Employers´ Employees.***

ARTICLE 17: THE RIGHT OF MOTHERS AND CHILDREN TO SOCIAL AND ECONOMIC PROTECTION

„With a view to ensuring the effective exercise of the right of mothers and children to social and economic protection, the Contracting Parties will take all appropriate and necessary measures to that end, including the establishment or maintenance of appropriate institutions or services".

Question A

Please indicate the measures taken to give effect to this provision by giving a list of the field covered by the measures of social and economic protection adopted in your country in respect of:

a. mothers,

b. children,

and the institutions or services which contribute to this protection.

Please supply statistics showing the percentage of mothers and children who benefit from such protection.

The right of mothers and children to economic protection is applied mainly by the benefits of the state social support, and further by the benefits of social care that were, in detail, described within the framework of answers to questions of Article 12, paragraph 1 and Article 16 (B). The answer to the question of Article 14, paragraph 1 (A) dealt with the social services available to people in a difficult social situation.

Child care benefit was collected, within the monitored period, by 1,910,000 persons, i.e. 86.6% of children. Parental allowance was collected by 264,000 persons, i.e. approximately 88% of mothers; this benefit is in average utilized up to 3.5 yeas of age of a child (entitlement to the benefit is up to 4 years of age of a child, or, as the case may be, up to 7 years of age, in case of a child who is long-term disabled or long-term seriously disabled). The birth contribution was, within the monitored period, paid to 65,000 persons, social benefit to 445,000 and housing benefit to 308,000 persons.

Special schools are established for children mentally, physically or sensory disabled. For children with speech defects, children with multiple defects, children difficult to be brought up, according to provision of Articles 28 up to 33 of the Act No. 29/1984 Coll., on the System of Elementary, Secondary and Higher Professional Schools (the School Act). These schools provide these children with care and education by means of special care and educational methods, tools and forms, and prepare them for integration into the work process and life in the society. Special schools provide care and education for children from the pre-school level up to the secondary education, within the framework of differentiated educational programs respecting the educational needs of children with various type and degree of handicap. There are also educational establishments, in accordance to the Act No. 76/1978

Coll., on School Establishments, as described in the answer to the question of Article 16 (C) (also see answer to question F of this Article).

Network of special schools and special school establishments (including special and specialized classes at regular schools) is currently relatively dense, and provides availability for most of pupils with health handicap. These schools are mostly established by the state (by the Ministry of Education, Youth and Sports) or by the regional bodies of the local government. Special and specialized classes at the elementary schools are established mainly by municipalities. Part of the network consists of private and church schools. In 2000/01, there were in total 818 principalities of special schools in the Czech Republic. The highest number of schools represents schools attended by pupils fulfilling their mandatory school attendance (177 special elementary schools, 422 special schools, and 248 remedial schools with preparatory grades).

Special schools provide education to children who due to intellectual deficiencies, cannot participate in the educational process at ordinary elementary schools. Attendance to the special school takes nine years. The school, by means of special pedagogical methods, aims at the general development of the pupil by activating his abilities, however, often it must eliminate serious deficiencies caused by negative influences in its existing development.

Remedial school is designed for pupils with a serious mental handicap and multiple handicaps in combination with mental handicap. They learn how to acquire the basic habits of personal hygiene, self-attendance, and they develop adequate knowledge and work skills. The preparatory grade of up to three years is designed for pupils who due to a serious mental handicap cannot attend remedial school. This grade provides with a preparation for education at the remedial school. The whole system of education of handicapped children is supplemented by experimentally proven rehabilitation classes, designed for children with very serious mental handicaps.

Practical school is designed for school-leavers of special or remedial schools and for pupils who completed mandatory school attendance prior to the ninth grade of a special or, as the case may be, elementary school. It prepares the pupils for the performance of simple activities in the area of services or production, the length of study takes from 1 to three years.

Vocational apprenticeship prepares school-leavers of special schools for the performance of activities within the framework of "blue color" vocations. The study takes two to three years and is completed by a final exam and by the issuance of the apprenticeship certificate.

Number of pupils of special schools has registered since 1995/96 a slight decrease, in last three years, it has amounted to the limit of approximately 70 thousand (in a school year 200/01 it was 69.1 thousand pupils). The largest share of these are pupils fulfilling mandatory school attendance at special schools (9.5 thousand at special elementary schools, 29.6 thousand at special schools, and 4.7 thousand at remedial schools, including the preparatory grades). In total, 4% of children at the age of mandatory school attendance attend special schools.

In the course of the years, the structure of pupils of special schools has changed by the kind of handicap. The proportion of pupils with mental handicaps has been declining, on the other hand, the proportion of pupils with handicaps combinations has been inclining. Even though the proportion of mentally handicapped children has been gradually declining, in 2000/01, they represent the three-quarters of pupils of special schools. 8% of pupils have combined handicaps.

Development of number of pupils in special schools (in thousands) in school years 1989/1990 – 2000/01

	89/90	90/91	91/92	92/93	93/94	94/95	95/96	96/97	97/98	98/99	99/00	00/01
In total	75,4	72,0	70,6	71,4	71,3	73,3	73,6	72,1	71,6	70,4	70,3	69,1
Kindergartens	5,5	5,6	5,7	6,2	7,0	7,4	7,5	7,1	6,8	6,5	6,4	6,2
Elementary and Special schools	54,1	51,8	50,6	49,7	46,7	45,1	44,5	45,1	43,8	42,5	40,8	39,0
of which Elementary schools	*	*	*	*	9,8	9,7	10,1	10,1	9,7	9,8	9,5	9,5
Special schools	*	*	*	*	36,9	35,4	35,1	35,0	34,1	32,7	31,3	29,6
Remedial schools (including preparatory grade)	0,8	0,8	1,1	1,2	1,7	2,4	3,0	3,4	3,8	4,2	4,4	4,7
Comprehensive schools and Secondary professional schools (including practical schools)	0,4	0,4	0,7	1,4	2,3	3,9	4,1	4,6	5,2	5,2	5,2	4,2
of which Comprehensive and Secondary professional schools	*	*	*	*	*	*	*	*	*	1,7	1,6	1,8
Secondary apprenticeship schools and apprenticeship schools	14,7	13,3	12,4	12,8	13,5	14,4	14,4	11,9	11,9	12,1	13,6	14,8

Development of the number of special schools in years 1989/90 – 2000/01

	89/90	90/91	91/92	92/93	93/94	94/95	95/96	96/97	97/98	98/99	99/00	00/01
Schools – number of head offices	825	767	779	964	979	975	1027	1002	986	892	888	819
Kindergartens	177	184	198	223	235	240	253	262	259	238	235	231
Elementary and Special schools	640	642	612	677	698	664	750	692	671	647	639	610
Elementary schools	*	*	*	*	211	227	237	206	195	190	188	178
Special schools	*	*	*	*	487	437	513	486	476	457	451	422
Remedial Schools (including preparatory grade)	16	18	61	72	118	127	92	151	153	237	249	248
Comprehensive schools and Secondary professional schools (including practical schools)	8	9	23	48	70	89	106	122	137	136	133	124
of which Comprehensive schools Secondary professional schools	*	*	*	*	*	*	*	*	*	18	18	19
Secondary apprenticeship schools and Apprenticeship schools	90	86	85	113	127	111	148	156	158	157	167	170

Development of number of pupils in special schools by the type of handicap (in thousands) in years 1989/90 – 2000/01

Notes: Data without children placed in schools at health care establishments, without children placed in educational and diagnostic institutions, and without children with no health handicap.

	89/90	90/91	91/92	92/93	93/94	94/95	95/96	96/97	97/98	98/99	99/00	00/01
In total	63,5	60,4	59,6	60,8	60,9	60,7	61,0	60,1	60,3	58,3	59,8	58,2
Mental handicap	58,9	56,1	54,6	54,1	51,5	48,9	48,1	46,8	46,4	44,9	45,4	43,8
Hearing handicap	1,7	1,7	1,6	1,6	1,6	1,7	1,6	1,6	1,6	1,5	1,5	1,5
Eyesight handicap	1,3	1,3	1,3	1,4	1,6	1,5	1,4	1,5	1,5	1,5	1,5	1,4
Speach handicap	0,6	0,6	0,9	1,0	1,0	1,8	1,9	2,2	3,0	2,7	2,3	2,3
Physical handicap	0,8	0,8	0,8	0,7	0,7	1,3	1,6	1,8	1,6	1,7	1,9	1,9
Combination handicap	0,1	0,1	0,4	1,2	3,0	4,1	4,3	4,2	4,1	3,7	4,8	4,8
Developement disorders	-	-	-	-	0,2	0,9	1,3	1,4	1,5	1,7	1,7	1,7
Ill health	-	-	-	-	0,2	0,4	0,6	0,6	0,6	0,6	0,6	0,6
Other	-	-	-	0,8	1,2	-	-	-	-	0,1	-	-

Regional distribution of special schools, and of number of pupils attending special schools in 2000/01

Region	Special kindergartens		Special Elementary schools and Special schools		Remedial schools	
	Number of schools	Number of pupils	Number of schools	Number of pupils	Number of schools	Number of pupils
Prague	25	1 009	55	3 693	14	294
Central Bohemian	20	456	70	3 601	21	422
South Bohemian	12	200	40	1 947	15	275
Pilsen	8	170	23	1 838	7	212
Karlovy Vary	5	92	28	1 685	3	137
Usti	19	574	57	4 679	17	450
Liberec	17	466	39	2 368	8	164
Kralovy Hradec	17	558	52	2 955	8	190
Pardubice	10	214	31	2 955	10	216
Vysocina	9	176	28	1 233	13	177
South Moravian	28	816	47	3 472	14	405
Olomouc	21	481	39	2 812	17	264
Zlin	12	206	27	1 745	9	295
Moravian-Silesian	28	786	70	5 160	28	467
CR In total	**231**	**6 204**	**606**	**40 143**	**184**	**3 968**

Region	Special Comprehensive schools and Secondary professional schools		Practical schools		Special Secondary apprenticeship schools and Apprenticeship schools11	
	Number of schools	Number of pupils	Number of schools	Number of pupils	Number of schools	Number of pupils
Prague	7	357	12	250	15	1 487
Central Bohemian	1	17	10	129	20	1 660
South Bohemian	0	0	8	100	10	816
Pilsen	0	0	4	110	9	635
Karlovy Vary	0	0	4	205	6	357
Usti	0	0	10	426	17	1 463
Liberec	0	0	5	81	5	548
Kralovy Hradec	2	116	6	168	9	1 414
Pardubice	0	0	5	131	5	706
Vysocina	0	0	6	86	5	504
South Moravian	6	424	9	196	17	1 449
Olomouc	0	0	8	126	19	942
Zlin	1	48	6	77	11	810
Moravian-Silesian	2	825	10	323	20	2 052
CR In total	**19**	**1 787**	**103**	**2 408**	**168**	**14 843**

Question B

Please describe the provision which exist in your country to guarantee to women not covered by any social security scheme the necessary financial assistance during a reasonable period before and after confinement as well as medical care or other adequate care during confinement.

In case no entitlement to health insurance benefits arose to a woman, the entitlement to **parental allowance** arises from the day of the childbirth anyway (when meeting the aforementioned conditions; see reply to answer A).

If the conditions of social need are met, ***benefits of social care, in accordance to Act No. 482/1991 Coll., on Social Need,*** can also be provided. A citizen is considered as socially in need if his income does not achieve the amount of minimum subsistence and he cannot increase this income by his own effort, in particular by work, due to his age, health condition, or due to other serious reasons. Citizens living in a household, whose income is assessed jointly, according to the Act No. 463/1991 Coll., on Minimum Subsistence Amount, are considered to be in a social need only if other conditions of social need are met by all of these persons. The possibility of increasing an income by one's own work is not examined for the

purposes of assessing the social need in the case of the following persons; recipient of old age pension, or recipient of full disability pension, citizen older than 65 years, child without support and a parent (adoptive parent, citizen who accepted a child into substitute parental care, foster parent) who personally and dully takes care all day long for at least one child under the age of four years, or an older child that cannot be placed in a preschool establishment, or for three and more children, of which one is under the age of ten years and other under the age of fifteen years, or for a child who is, in accordance to the provisions of pension insurance, long-term seriously disabled and requires an extraordinary care.

If a citizen‘s health condition requires, according to the recommendation of the competent medical expert, higher spending for dietary nutrition, the amount necessary for the provision of a nutrition and other basic personal needs of the citizen is to be increased by 600 CZK a month, for the purposes of assessing the social needs of the citizen. The amount necessary for the provision of indispensable costs for household is increased by 600 CZK monthly for the purposes of assessing the social need of citizens who were granted the extraordinary benefits of a 3rd degree (very serious disability/guide – certificate ZTP/P). In the case of jointly assessed persons, the increase, according to the previous sentence, is accounted for, at the most, twice, even though the extraordinary benefits of the 3rd degree were granted to more persons living in the household.

A citizen, whose income is higher than the minimum subsistence amount, is considered, with regard to his overall social and property conditions, as socially in need, if the indispensable costs, for the provision of his nutrition and other basic personal needs and the indispensable costs for maintaining a household prescribed by the Act on the Minimum Subsistence Amount, are justifiably higher, and the citizen cannot meet these expenses from his own income. A citizen is not considered as socially in need, even though his income does not reach the minimum subsistence amount, if his overall social and property conditions can fully guarantee a sufficient provision of his nutrition and other basic personal needs, and indispensable costs for maintaining a household, and if this provision, by his own means, can be justly requested from the citizen. A citizen, however, cannot be requested to sell or rent out a real estate or flat used by him as an adequate permanent residence.

A citizen is not considered as socially in need, even though his income does not reach the minimum subsistence amount, if he is not under employment relationship, or in a similar relationship, does not perform an independent gainful activity, or is not registered with the register of applicants for employment. This, however, does not apply if it relates to the aforementioned range of citizens (child without support, citizen older than 65 years and the like). A citizen is also not considered to be socially in need, for a period for which he is not entitled to the material security (financial support) of applicants for employment, due to reasons stipulated in Article 14 (1) (d) up to (f) of the Act No. 1/1991 Coll., on Employment, in the wording of the Act No. 578/1991 Coll. (i.e. if he refuses without serious personal or family reasons to accept suitable employment, or to start retraining, or fails to fulfill the basic requirements of retraining for an extended period; deliberately obstructs the labor office in its efforts to assist him in finding suitable employment; repeatedly terminates his employment without serious reason in the preceding six months, or, during such period his employment has been terminated due to unsatisfactory work performance or a breach of his obligations at work), or starts basic (substitute) military service, or civilian service, or is taken into custody, or imprisoned. A self-employed person or cooperating person who did not register with the health care insurance, and only due to this reason is not entitled to health insurance benefits, and whose income does not reach the minimum subsistence amount, is not considered as socially in need.

Citizen who is considered to be socially in need in accordance to this act is provided a single or a month financial or material benefits (support) for the provision of nutrition, and

other basic personal needs, and for the provision of indispensable costs for maintaining a household. At the same time, it is taken into respect whether the citizen, in order to provide for his living needs (needs of children without support) claimed the right to health care insurance, or pension security benefits, or to state social support benefits, except for benefits provided as single benefits or the support and the nutritional benefit according to the Act on Family.

When deciding on the amount of a single or a month financial or material benefit, the following is taken into respect; the minimum subsistence amount, real, justifiable costs for providing nutrition and other basic needs for household of the assessed citizen (of the jointly assessed persons), the property circumstances, or as the case may be, whether the citizen (jointly assessed persons) claimed the aforementioned rights.

In case the conditions of social need are not met, **social care benefits** can be provided **in extraordinary cases;**

- citizen who does not meet the conditions of social need and who is threatened by a serious damage to health, can be provided help in indispensable extent in the form of a material or financial benefit (support), or a social care service;
- citizen who cannot be granted a social care benefit because the conditions of social need are not met by other jointly assessed persons can be provided assistance in indispensable extent in the form of material or financial benefit, or social care service, if the citizen cannot provide his own or his children's nutrition, nor the indispensable costs for household by his own means;
- a minor citizen, who does not have a permanent residence within the territory of the Czech Republic, can be provided with an assistance, in indispensable extent, if he is threatened by a serious damage to health or his due care is threatened, and assistance cannot be provided according to special acts. Assistance can be provided in the form of a material or financial benefit (support), or a social care service.

Parents of children without support, children without support, or a pregnant women, can be provided by **financial or material social care benefit** (Article 23 of the Notification of the Ministry of Labor and Social Affairs of the Czech Republic No. 182/1991 Coll., Implementing the Act on Social Security and the Act on the Competence of Social Security Authorities of the Czech Republic). This benefit serves for reimbursement of a single extraordinary expenditure. This benefit can be provided up to the amount of 15,000 CZK (financial benefit), or (in the case of material benefit) up to the amount of 8,000 CZK (exceptionally up to the amount of 15,000 CZK).

Question C

Please indicate what measures have been taken to protect single mothers.

In case of a single parent, there is available in the area of family benefits, i.e. the state social support benefits, an advantageous assessment of the amount of benefit – **social allowance.** According to the provision of Article 22 of the Act No. 117/1995 Coll., on State Social Support, for the purposes of the assessment of the amount of extra social support, the amount for personal needs of a child without support, and the total of amounts for personal needs, decisive for the assessment of the minimum subsistence amount of the family, are multiplied in case of a single parent by coefficient 1.05.

In the area of social care benefits, this is, in particular, the **allowance for nutrition of**

a child. It is a benefit for a child without support, socially in need, where the person who has the support duty does not fulfill this duty determined by court. Legislation relating to this allowance is embodied in the Act No. 482/1991 Coll., on Social Need. A child without support is entitled to the allowance for its support in the amount of the set child's support, however, at the maximum to the amount of the difference between the income of the child and his minimum subsistence amount. The amount falling on one family member from the total of incomes of jointly assessed persons is considered, for these purposes to be the income of the child without support, in accordance to the Act on the Minimum Subsistence Amount.

According to the Act No. 94/1963 Coll., on Family, the father of the child to whom the mother of the child is not married, is obliged to adequately contribute to **provide the support** for the period of two years, as well as to the **reimbursement of costs associated with her pregnancy and paturiency.** In order to provide the reimbursement of these costs, as well as the child support, for the period, for which a female employee is entitled to a maternity leave, in accordance to a special provision, the court can, based on the proposal of the pregnant woman, order the person, whose paternity is probable, to provide the amount necessary in advance.

Parents of children without support, children without support, and pregnant women, can be provided with the **financial or material social care benefit** (see answer to the question B).

According to the Act No. 54/1956 Coll., on Employees' Sickness Insurance, a single employee, who permanently takes care of at least one child in an age preceding the completion of the mandatory school attendance, is **provided a support for the purposes of caring for a family member for the period of up to the first 16 calendar days,** if the necessity for the care continues through these days (provision of Article 25, paragraph 4).

According to the Act No. 88/1968 Coll., on Extension of Maternal Leave, Maternity Benefits, and Child Allowances Paid of Sickness Insurance, female employee who is single, widowed, divorced or alone due to other serious reasons, if she does not live with her partner, is provided assistance in maternity as long as she takes care of a newly born infant, and even after the expiry of 28 weeks, at the maximum, however, until the day when the 37 weeks from the commencement of the benefit provision expire (Article 10, paragraph 2).

Question D

Please indicate whether your legislation makes provision for:

a. *procedure for the establishment of the paternity or maternity of children born out of wedlock. If appropriate, state the reasons why some categories of children cannot benefit from these procedures and describe any special measures taken on behalf of these categories;*

b. *liability for the maintenance of children born out of wedlock, and whether the rules applicable differ from those for legitimate children;*

c. *special arrangements for the guardianship and custody of children born out of wedlock;*

d. *the legitimisation of children born out of wedlock;*

e. *special rules for the inheritance right of children born out of wedlock.*

Legislation relating to **determination of maternity and paternity** is embodied in the Act No. 94/1963 Coll., on Family, as subsequently amended, in provision of Article 50a and the following provisions. Mother, who gave birth to the child, must always be considered as a mother. When applying this principle, the doubts occurrs only in cases, when the mother abandoned the child, or is unknown, or in cases when mother did not state her true identity.

For the purposes of determining paternity the Act stipulates three rebuttable assumptions. Under the conditions set by the Act, a mother‘s husband is considered to be the father. In case this assumption is not applied, paternity can be determined by an affirmative statement of the parents. The second mentioned method of paternity determination is very often applied in practice.

If paternity has not been determined, not even by the affirmative statement of the parents, the child, mother, and the man claiming his fatherhood, can propose the paternity to be determined by court. Man who had sex with the child‘s mother, within the time from which there was no less than hundred and eighty days till the childbirth, and no more than three hundred days, is considered a father, unless his paternity is excluded by serious circumstance. Courts always use the expert opinions for the purposes of making decision in regard to paternity determination. With regard to the fact that appointed experts apply the latest knowledge from the medical field, especially during DNA analyses, their conclusions, with regard to paternity determination, are highly probable. With regard to the jurisdiction relating to the issue in concern, we can present, for instance, the Supreme Court Opinion, Cpj 228/81.

According to the Act on Family, both parents, regardless of whether the children were born in the wedlock of parents or out of the wedlock, have the **parental responsibility,** beside other, for the upbringing of the children. This principle is also applied in practice at courts in particular for the purposes of children care, determination of support duty, care measures, or for the purposes of enforcing right to information about the child (see, for instance, the Supreme Court Opinion, Cpj 33/78).

The Act on Family does not distinguish the rights of legitimate, and the rights of illegitimate children. It does not recognize these terms at all. The act on Family embodies uniform legislation of custody and guardianship relating to children born both in and out of wedlock. Accepting children born out of wedlock as one‘s own is not regulated by the legislation. According to the Act on Family (provision of Article 63), a person can adopt only someone else‘s child. A child can be adopted only in the case, the relationship between the

adoptive parent and the adoptive child, has not been, prior to the court decision on adoption, a relationship of a parent and a child. The Supreme Court Decision, Cpj 51/84, can be presented for reference.

Hereditary law in the Czech Republic does not distinguish the rights of children born in and out of wedlock. The Act No. 40/1964 Coll., the Civil Code, ranks in provision of Article 473 the devisor's children into the 1st group of heirs. Within this group the children and the wife of the devisor inherit by the same share. Children of the devisor are non-excludable successors. Minor descendants of the devisor must get, at least, as much as their hereditary share amounts to by operation of law. Major descendants must get, at least, as much as one half of their hereditary share amounts to by operation of law. If the devisor's testament is in conflict with this aforementioned principle, the part of the testament in concern is invalid. The above mentioned legislation is applied by courts, and attention is paid so that the rights of any of the devisor's children are not curtailed. Municipal Court in Prague decision No. 24 Co 184/96 can be presented for reference.

Question E

Please describe the measures in force in your country with regard to adoption. How close does the status of the adopted child come to that of a legitimate child?

Legislation relating to adoption is embodied in provision of Article 63 and the subsequent provisions of the Act No 94/1963 Coll., on Family, and Article 181, and the subsequent provisions of the Act No. 99/1963 Coll., the Code of Civil Procedure.

The court decides on adoption based on the application of the adoptive parent. The adoptive parent is obliged to attach to the proposal for adoption of a child abroad a lawful decision on the approval of the adoption, issued by the Office for International Legal Protection of Children (activity of the Office for International Legal Protection of Children is regulated by the Act No. 359/1999 Coll., on Social and Legal Protection of Children).

By means of adoption, such relationship arises between the adoptive parent and the adoptive child as the relationship between parents and children. The relationship arising between adoptive child and the relatives of the adoptive parent is that of relatives. The child acquires the surname of the adoptive parent. By means of adoption, the mutual rights and obligations between the adoptive child and the original family cease to exist. The rights and duties of the custodian, or as the case may be of the guardian, established to execute the rights and obligations of the parents, also cease to exist.

Prior to the decision of the court on adoption, the child must be in the care of the future adoptive parent, at the costs of the future adoptive parent, for at least three months. The body of social and legal protection of children, at the district level, decides on entrusting the child into this so-called pre-adoptive care. Court decides on the adoption.

A minor can only be adopted if the adoption is for his benefit. Only individuals who guarantee by their life style that the adoption will be for the benefit of the child and society can become adoptive parents. A person, that does not have the legal capacity, cannot become adoptive parent. There must be an adequate age difference between the adoptive parent and the adoptive child. Only spouses can adopt someone as their common child. If the adoptive parent is a husband/wife he/she can adopt a child only with the consent of the other spouse. This consent is not necessary if the other spouse lost legal capacity or the procurement of the consent is associated with an obstacle that is very difficult to overcome. The consent of the legal representative of the adopted child is necessary for the adoption. If this child is capable of assessing the impact of the adoption its consent is also necessary. The consent of the parent, even if the parent is a minor, is necessary for the adoption. If the legal representatives

of the adopted child are its parents, their consent is not necessary if they did not show any real interest in the child for the period of at least 6 months, in particular, by not visiting the child regularly, not regularly and voluntarily meeting the obligation of supporting the child, and if they do not show an endeavor to arrange, within the scope of their possibilities, their family and social relations so that they personally could take care of the child, or if they did not show any interest for the period of at least two months after childbirth, even though there was no serious obstacle preventing them from showing interest. The consent of parents who are the legal representatives of the adopted child is further not necessary if the parents give their consent with the adoption in advance without any relation to the specific adoptive parents. The consent given in advance must be provided personally by a parent in writing, before the court or before the competent body of social and legal protection of children. The consent can be given by the parent at the earliest six weeks after the child's birth. It is possible to withdraw the consent only until the child is placed in care of the future adoptive parents, based upon a legal decision.

The court is obliged to ascertain, based on a medical examination and other necessary examinations, the adoptive parents' health condition, their personality dispositions and motivation for the adoption, and assess whether they are not in conflict with the purposes of the adoption, and to acquaint the adoptive parents and the legal representative of the adoptive child with the results of the finding. The court is also obliged to ascertain the state of health of the adoptive child, and to acquaint the adoptive parents and the legal representative of the adoptive child with the results of the finding. The court is obliged to request the opinion of the body of social and legal protection of children.

The law distinguishes between two types of adoption, the revocable and irrevocable adoption. The court can decide on the irrevocable adoption only with regard to a child that is older than one year. The result of the irrevocable adoption is an entry of the adoptive parents into the birth record and into the birth certificate, instead of the biological parents.

The legislation relating to the irrevocable adoption is embodied in the provision of Article 74 and the following provisions of the Act on Family. Only spouses can adopt a child in this manner, or one of the spouses who lives with one of child's parents in a marriage, or a survivor spouse of the parent or adoptive parent of the child. A single person can exceptionally adopt a child in this manner if there are otherwise prerequisites that the adoption will fulfill its social mission.

The adoption, except for the irrevocable adoption, can be revoked by the court only due to serious reasons, based on the proposal of the adoptive child or adoptive parent. The mutual rights and obligations between the adoptive child and his original family arise again by revoking the adoption. The adoptive child will again have his former surname.

Question F

Please describe:

a. the steps taken in your country to ensure adequate protection for orphans and children whose parents cannot act as their guardians;

b. how homeless children are cared for in your country:

- *in special institutions? If so, please describe the living conditions in these institutions;*
- *in foster families?*

In cases when both the child's parents have died, lost parental responsibility, the exercise of their parental responsibility has been suspended, or they do not have legal capacity in full extent, the court will appoint a guardian to the minor, who will provide for the minor's upbringing, represent and administer the minor's property instead of the parents (provision of Article 78 of Act No. 94/1963 Coll., on Family).

In particular, a person recommended by the parents can be authorized with the execution of the function of a guardian. In case nobody was recommended, the court will appoint someone from the relatives or persons close to the child or to this family to be a guardian, or as the case may be another individual, who meets the conditions stipulated by law, or the body of social and legal protection of children. The guardian is responsible to the court for the due fulfillment of this function and is subject to the court's regular supervision. If the guardian appointed by the court personally takes care of the child, they are both secured by the benefits of state social support, as well as in the case of foster care.

The objective of foster care is to provide a substitute family environment to children, who cannot grow up in the long-term in the family environment, consisting of their own biological parents, or who cannot be adopted due to various reasons (legal, health, social or psychological).

The court decides on placing a child in foster care. The foster parent is obliged to personally take care of the child and has the rights and obligations of parents, in terms of the child's upbringing. However, the foster parent has the right to represent the child and administer his dealings only in ordinary matters.

A child in foster care and his foster parent are entitled, according to the Act on State Social Support, to foster care allowance. Among these there is an allowance for the settlement of the child's needs, remuneration of the foster parent, an allowance for the acceptance of the child, an allowance for the purchase of motor vehicle (provision of Article 36 and following provisions of Act 117/1995 Coll., on State Social Support). The purpose of the allowance for the settlement of the child's needs to which a child without support placed into foster care is entitled is the assistance for covering of the costs of this child's needs. The remuneration of the foster parent, which is to express the acknowledgement of the society to a person who takes care of an entrusted child, is paid monthly for each entrusted child. The allowance at the acceptance of the child serves for the purchase of things necessary for the child, who usually arrives in foster care from institution without personal things. The foster parent, who accepted a child in foster care, is entitled to this allowance. A foster parent, who has at least four children in his foster care, is entitled to an allowance for the purchase of a motor vehicle. The benefit amounts to 70% of the acquisition price of a personal motor vehicle or proved expenditures for repairs, but limited to 100,000 CZK.

Foster care can also be provided in special establishments of foster care that are for this purpose established and operated by the district authorities, municipalities, and also by non-profit organizations. Foster care in these establishments is provided either by married couples or by a "foster mother" (a kind of children's village). The foster parents there operate

on the basis of a special agreement on the execution of foster care in an establishment, concluded with an institution that founded the establishment. In 2000, there were 70 special establishments for the provision of foster care in the CR.

According to the provision of Article 9 of Act No. 76/1978 Coll., on School Establishments, the school care establishments are the establishments for the study of interests, school convalescence establishments, school educational care establishments for care outside school instruction, and school establishments for the execution of institutional care and protective care and preventive educational care.

In the CR we distinguish between school establishments for institutional care, for protective care and preventive educational care. The institutional care of youth is provided by children's homes. The institutional care or ***protective care*** of youth with behavioral disorders is provided by special establishments. The institutional care is also provided by special boarding schools. Diagnostic tasks during the institutional care and protective care are fulfilled by diagnostic institutions. The ***preventive care*** for children with negative phenomena in behavior, is provided by the centers of educational care for youth.

School establishments for institutional care and protective care, provide both material and social care for youth with an ordered institutional care or an imposed protective care. This care can also be provided by the center of educational care for youth.

Parents or other legal representatives of youth, who have the obligation of supporting the youth, and youth with their own regular income contribute to the coverage of expenses of care provided to youth placed in school establishments of institutional, protective or preventive care. The amount of the contribution is determined by the Government decree.

The Children's Home is a boarding care establishment of institutional care of youth. It provides educational, material and social care for youth who due to serious reasons cannot be brought up by their own family and cannot be adopted or placed in another type of substitute family care. Youth, who are assumed to stay long-term in the children's home, are brought up in children's home of a family type. Children's home takes care of youth usually between the age of three to the age of eighteen, or as the case may be until the youth complete their vocational preparation.

Special care establishments of the kind of Children Offenders Institution, Young Offender's Institution, Institution for Minor Mothers, Institution for Offenders with Medical Treatment or departments for offenders with medical treatments are established as boarding establishments for the execution of protective or institutional care for youth difficult to be brought up. Special care establishments are differentiated by age, sex and the degree of difficulty in upbringing and by intellectual level of the youth.

The Children Offenders' Institution takes care of youth difficult to be brought up until they complete their compulsory education at an elementary school or special school, or as the case may be until they complete their vocational preparation.

The Young Offenders' Institution takes care of youth difficult to be brought up who completed their elementary or special school compulsory education. The young persons remain in the care of the institution until they are eighteen years old or as the case may be nineteen years old, if their protective or institutional care was extended by the court. The Children and Young Offenders' Institution, the Children Offenders' Institution and the Young Offenders' Institution can also be established as a joint establishment.

The Minor Mothers' Institution takes care of minor mothers who were ordered institutional care or imposed a protective care, and of their children.

The Institution for Offenders with Medical Treatment takes care, for the period of indispensable need, for young persons from the children's homes and special care institutions, who were diagnosed with a temporary or permanent mental disorder of such a kind and

degree that they cannot be brought up in other establishments of institutional or protective care.

The departments for offenders with medical treatment can form an integral part of special care establishments.

Diagnostic institutions are boarding care institutions that carry out comprehensive psychological and pedagogical examinations of the young persons who were ordered an institutional care or imposed protective care, or young persons whose placement into the establishment was decided by a precaution of the district authority (the Magistrate Office of the City of Prague), or as the case may be, young persons whose placement into the establishment was applied by their legal representatives at the district authority (the Magistrate Office of the City of Prague). The diagnostic institutions also arrange for medical examinations of the young persons. Diagnostic institutions distribute the young persons into the appropriate types of children's homes and special care institutions, or as the case may be into special boarding schools.

Diagnostic institutions provide educational care for a temporary period to young persons detained when escaping from their parents or other persons, or as the case may be, from institutions responsible for their care. There are also diagnostic institutions for children.

The Center for educational care for children and youth provides a comprehensive preventive educational care for children and youth with negative features in their behavior, in case there are no reasons for their placement into institutional or protective care in special care establishments.

The Center for educational care for children and youth can be established as a boarding care establishment and it can fulfill its tasks for a consideration.

The social care establishments can also fulfill the function of the school care establishments. These provide education and training in suitable occupations for citizens with reduced work ability, in accordance with the provisions on social security. These establishments can also fulfill the function of the centers for practical training.

Question G

Please indicate the measures taken in legislation and in practice to protect children against physical and moral dangers, ill-treatment, unacceptable physical punishment, violence and sexual abuse. Please indicate whether psycho-social services exist for children victims of such treatment.

The question was partially answered within the framework of an answer to the question of Article 7, paragraph 10 and Article 16 (C).

In particular, the crisis centers and asylum houses for mothers with children deal with the area in concern, in terms of the social services (also see answer to Article 13, paragraph 3 and Article 14, paragraph 1 (A)).

A number of citizen associations and non-profit organizations that provide aid to victims mainly by providing consulting activities deal with the protection of children from physical and moral dangers. The victims of physical and mental violence, maltreatment, sexual abuse, tormenting and moral dangers can seek help, for instance, in the following institutions: the Center of Crisis Intervention (Centrum krizové intervence), Children's Crisis Center (Dětské krizové centrum), Pink Line (Růžova linka) or Safety Line (Linka bezpečí) (provides free help over the telephone, 24 hours a day).

The Ministry of Labor and Social Affairs and the Ministry of Interior of the Czech Republic provide information relating to the area in concern. The ministries also inform the public about the above mentioned non-profit entities.

Question H

Please indicate how the legal representation of children is ensured, notably in case of conflict with or between the parents or the persons in charge of the child; are children entitled to be heard in person in court, and if so, from what age and on what issues.

Answering this question we must take into account the provision of Article 9 of Act No. 40/1964 Coll., the Code of Civil Procedure, according to which the minors have legal capacity only to such legal acts that are appropriate in their nature to the minors' intellectual and volitional development corresponding to their age, and the provisions of Articles 26 and 27, paragraph 1 of the Civil Code, which stipulate that provided individuals do not have legal capacity, their legal representatives act on their behalf. Act No. 94/1963 Coll., on Family, defines who is a legal representative of a minor child.

Provision of Article 31, paragraph 1 of the Act on Family stipulates that an integral part of parental responsibility is an aggregate of rights and obligations during the representation of a minor child. Provision of Article 36 adds that parents represent the child during legal acts to which the child does not have full legal capacity. If a child does not have a legal representative, the court will appoint a custodian to represent the child.

The court will appoint a custodian for legal acts relating to issues, where conflict of interests could arise between the parents and the child, or conflict of interests of children of the same parents. The court can appoint a custodian also in justified cases, where the ownership interests of the child could be endangered (provisions of Articles 37 and 37b of the Act on Family). The court can also appoint a custodian when it is in the interest of the child due to other serious reasons (provision of Article 83 of the Act on Family).

According to the Act on Family a child who is capable of assessing the impact of measures relating to him has the right to express his opinion about all decisions of his parents relating to substantial matters of its personality and to be heard at each proceeding where such matters are decided. According to the provision of Article 67, paragraph 1 a consent of the child is necessary for an adoption if this child is capable of assessing the impact of adoption. According to the Article 182, paragraph 1 of the Act No. 99/1963 Coll., the Code of Civil Procedure, the court within the framework of proceedings on the adoption of a child hears the child, if his consent is necessary for the adoption.

The Supreme Court Decision No. 21 Cdo 2630/99, can be mentioned as reference.

Question I

Please indicate if your legislation provides for special institutions or special courts (possibly child tribunals or special procedures) to deal with young offenders.

Please indicate what is the age of criminal responsibility at which sanctions can be applied; the penalties available and the conditions under which they are carried out, notably for penalties involving restrictions on liberty. Please also indicate the measures of protection, education and treatment and the care provided as a means of prevention or as an alternative to detention, as well as the measures to minimise the resk for vulnerable young people.

A new position – **the social assistant,** was established in 1994 for work with youth endangered or already affected by risk trend. This is a field social worker who actively seeks older children and youth endangered or already affected by risk trend in their natural environment ("in the street"). Social assistant offers these persons alternatives, especially with regard to their leisure time, and helps resolving their problems.

Many citizens' associations (for instance association LATA - Kind alternative to punishment of adolescents) and other non-governmental non-profit organizations deal with social work with youth. Projects aimed at similar activity are supported within the framework of the policy of subsidies of the Ministry of Labor and Social Affairs.

In the field of **penal law,** the special protection of children and minors is demonstrated in the fact that criminal prosecution of minors is regulated in several aspects, in a fundamentally different manner that the one of criminal prosecution of grown up citizens. Internal regulations of the courts ensure that the criminal activity of minors is dealt with by the specialized senates, both at I. and II. instance.

Act No. 140/1961 Coll., the Criminal Code, has special provisions relating to the prosecution of minors in provisions of Articles 74 up to 87. Proceedings against minors are regulated in the provisions of Articles 291 up to 301 of the Act No. 141/1961 Coll., the Code of Criminal Procedure. Provisions relating to the prosecution of minors are a specialty with regard to other provisions of the general part of the Criminal Code. An act committed by a minor is not a criminal act if the degree of the dangerousness of the act, with regard to society, is small (in the case of a grown up citizen the degree must be „larger than inconsiderable").

The criminally responsible person is a person who attained the age of 15 (provision of Article 11 of the Criminal Code). A minor is within the act defined as a person who at the time of committing a criminal act attained the age of 15 and did not exceed the age of 18. If a person between the ages of 12 and 15, committed an act for which the Criminal Code within the special chapter permits imposing an extraordinary punishment, the court will impose protective care on the person in civil proceedings, based on the proposal of the Public Prosecutor's Office, or even without such proposal. The court can do so also when it is necessary for the provision of the due upbringing of a person under the age of 15, who committed an act that would otherwise be considered a criminal act (provision of Article 86 of the Criminal Code).

A minor can only be imposed with sentence of imprisonment, generally beneficial work, forfeiture, expulsion, financial penalty (on condition that the minor is gainfully active) and prohibition of activity (on condition that it does not impose an obstruction in his vocational training).

Periods of sentences of imprisonment are decreased to half in the case of minors. The upper limit of the penal sentence period must not exceed 5 years, and the lower limit must not exceed 1 year. In case of committing such a criminal act, for which a grown up perpetrator would be sentenced to an extraordinary sentence, i.e. sentence of 15 up to 25 years or sentence of life imprisonment, the court can impose a sentence of 5 up to 10 years. In the case of a suspended sentence, the trial period of 1 to 3 years is set.

Sentence of imprisonment of a minor is always served separately from other convicted persons in special prisons or wards. Act No. 169/1999 Coll., on the Performance of the Sentence of Imprisonment, embodies in provision of Article 60 and the following provisions a special provision on the execution of imprisonment in the case of minors. In compliance with these provisions the prison, during the execution of a sentence of the convicted person under the age of 18, aims in particular at his education and provision of preparation for his future occupation. The prison will provide a minor who is to fulfill the mandatory school attendance, with its fulfillment by instruction instead of work performance. When setting the contents of program for the treatment of minors the provision of the minor's occupational qualifications and independent life style are always pursued. The participation in the prescribed form of education and in other prescribed activities of the treatment program is mandatory for a minor. For the period of school instruction the minor is not assigned to work and his education is realized as a daily study.

If the court sentences a minor, it may impose protective care (provisions of Articles 84 up to 86 of the Criminal Code), provided the upbringing of the minor is not duly provided, or that the existing care was neglected, or if the environment where the minor lives requires this.

If the court decided that a minor set free from a sentence of imprisonment on parole proved his good conduct, the minor is considered as though he has never been sentenced.

A minor must have a defender since the commencement of the prosecution. In the provision of Article 293 a principle is embodied, stipulating that even if there are reasons for taking the minor into detention custody, the minor can be taken into custody only if the purpose of custody cannot be achieved otherwise (for instance a guarantee of a trustworthy person, as for instance a teacher, educator in a boarding school house, parent, guarantee of a citizen's association, oath of the actual accused; financial bail also comes into consideration). The custody can be substituted by the placement into an educational institution, utilizing the provisions of the Code of Civil Procedure, which allows court to decide on imposing protective care within the framework of a preliminary measure, with regard to the proposal of the competent district authority.

The entity of the prosecution proceedings against a minor is the authority of care for youth, which has special rights and duties. It is the authority of social and legal protection of children (Article 33, paragraph 1 of Act No. 359/1999 Coll., on Social and Legal Protection of Children), which usually represents the department of social affairs of the district authority in the proceedings, through a competent employee. It submits a report on the care environment of the minor to the court. Among its rights there are, for instance the authorization to appeal for the benefit of the minor, also against the minor's will. At the trial, it has the right to make proposals, to give questions to those examined and the right to have the last final speech, before the court retires for deliberation.

The following data on the number of accused convicted minors, in the period of 1993 – 2000, are extracted from the yearbook of the Prison Service of the Czech Republic for 2000:

a) Accused

		1994	**1995**	**1996**	**1997**	**1998**	**1999**	**2000**
1	2	3	4	5	6	7		9
Men		634	492	515		254	214	156
	10	16		22	11	10		7
In total		**650**	**509**	**537**		**264**	**227**	**163**

b) convicted

	1993	**1994**	**1995**	**1996**	**1997**	**1998**	**1999**	**2000**
1	2	3	4	5	6	7	8	9
Men	201	143	183	162	167	158	129	107
Women	4	0	4	2	5	5	2	3
In total	**205**	**143**	**187**	**164**	**172**	**163**	**131**	**110**

Currently, the Assembly of Deputies is considering a Bill on the Responsibility of Youth for Wrongful Acts and on the Judiciary in Matters of Youth and the alteration of several acts (**Act on Judiciary in Matters of Youth).** It responds to the current observations of experts specialized in the delinquency of youths.

The proposed Bill should regulate comprehensively the methods by which the state in cooperation with other entities reacts to more severe delinquency of minors under the age of 15, and minors and young grown-up persons, which stands for persons who did not exceed the age of 21.

There is a possibility to impose educational and protective measures, and in the case of the last two groups also penal measures, according to the severity of the committed act and the degree of maladjustment of the perpetrator.

It has been proposed that, in the case of minors under the age of 15, these measures be decided within a civil trial, in case of the others in criminal proceedings. In all cases the decision-making will be entrusted to a specialized senate, which gives a guarantee of the necessary qualifications and speed of the adopted measures and the appropriateness of the measures with regard to a specific case.

The bill does not assume increasing of the age limit of criminal liability. The increase of crimes perpetrated by children under the age of 15, the increasing brutality and severity of the crimes, must be faced by an overall reform of the criminal justice for youth. This should enable applying several specific educational and protective measures specified in the bill, also against a category of children who do not have a criminal liability, who committed an act, which would otherwise be considered a criminal act, without exposing them to the risk of criminal stigmatization. Measures imposed by the court for youth, however not in criminal proceedings, but in civil trial (either according to the Bill or according to Act on Family, in

association to Act on Social and Legal Protection of Children), could be sufficiently emphatic in order to positively influence the further behavior of a child wrongdoer, and ensure sufficient protection of the society.

The proposed reform of penal law in the field of judiciary for youth is at the same time motivated by the endeavor to incorporate into the new legislation the fundaments of the so-called restorative justice. Restorative justice emphasizes a balanced and just reaction of the society to a criminal act of a minor. This is a reaction of a society that does not renounce its co-responsibility for the failure of the minor and infers consequences not only with regard to the minor himself, but also with regard to resolving problems of other engaged persons and concerned groups, or groups associated with the criminal act.

The aggrieved party should thus receive a larger space for the exercise of the justified claims to moral and financial satisfaction. The minor should be stimulated to accept personal, not only a formal, criminal liability for the committed criminal act and for the correction of consequences caused by him.

In compliance with legislation usual in the countries of the EU and in the spirit of recommendations of the Council of Europe, the bill newly defines the group of young grown-up persons. This is a category of perpetrators between the ages of 18 and 21, except for perpetrators of severe criminal acts. The society proposes to assign this group, for the benefit of better social reintegration of this group, under the execution of criminal justice for minors.

List of sources to the Article 17:

- *Act No. 29/1984 Coll.,* ***on the System of Elementary, Secondary and Higher Professional Schools (the School Act),*** *as amended*
- *Act No. 117/1995 Coll.,* ***on the State Social Support,*** *as amended*
- *Act No. 482/1991 Coll.,* ***on Social Need,*** *as amended*
- *Act No. 463/1991 Coll.,* ***on the Minimum Subsistence Amount,*** *as amended*
- *Act No. 94/1963 Coll.,* ***on Family,*** *as amended*
- *Act No. 76/1978 Coll.,* ***on School Establishments,*** *as amended*
- *Act No. 1/1991 Coll.,* ***on Employment,*** *as amended*
- *Act No. 40/1964 Coll.,* ***the Civil Code,*** *as amended*
- *Act No. 140/1961 Coll.,* ***the Criminal Code,*** *as amended*
- *Act No. 141/1961 Coll.,* ***the Code of Criminal Procedure,*** *as amended*
- *Act No. 169/1999 Coll.,* ***on the Performance of the Sentence of Imprisonment,*** *as amended*
- *Act No. 99/1963 Coll.,* ***the Code of Civil Procedure,*** *as amended*
- *Act No. 88/1968 Coll.,* ***on the Extension of Maternal Leave, Maternity Benefits,and Child Allowances Paid of Sickness Insurance,*** *as amended*
- *Act No. 54/1956 Coll.,* ***on Employees' Sickness Insurance,*** *as amended*
- *Decree No. 182/1991 Coll.,* ***Implementing the Act on Social Security and the Act of the Czech National Council on the Competencies of the Czech Republic's Authorities in Social Security,*** *as amended.*

ARTICLE 18: THE RIGHT TO ENGAGE IN 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.“

Please indicate whether there are any restrictions of special conditions affecting the right of such persons to leave the country for this reason and, if so, what the regulations are.

The freedom of movement is one of the rights guaranteed by the Charter of Fundamental Rights and Freedoms. Provision of Article 14, paragraph 2 of the Charter stipulates that everyone who legitimately stays in the territory of the CR has the right to leave it freely. This right can be restricted only by the law and only due to reasons specified in detail in the Article 14, paragraph 3 (i.e. if it is inevitable for the safety of the state, the maintaining of public order, the protection of health or the protection of rights and freedoms of others, and in defined territories also due to conservation of nature).

Statutory provisions, valid for the entire field of employment, do not restrict in any way the possibility of the citizens of the Czech Republic to engage in gainful occupations abroad. The valid international (bilateral) agreements in the field of employment the CR concluded with several states are also built on the same principle.

List of sources to the Article 18:

- *Act No. 2/1993 Coll.,* ***the Charter of Fundamental Rights and Freedoms.***

REPORT ON THE FULFILLMENT OF THE ADDITIONAL PROTOCOL OF THE EUROPEAN SOCIAL CHARTER

ARTICLE 1 – THE RIGHT TO EQUAL OPPORTUNITIES AND EQUAL TREATMENT IN MATTERS OF EMPLOYMENT AND OCCUPATIONS WITHOUT DISCRIMINATION ON GROUNDS OF SEX

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 sex, the Parties undertake to recognize this 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 ressettlement;
b) vocational guidance, training 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 be to deemed to be discrimination as referred to in rapagraph 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 mature or the context in which they are carried out, can be entrusted only to persons of a particular sex may be excluded from the scope of this article or some of its provision.***

Question A

Please state the specific provisions in statues, examples of significant collective agreements, etc. which, in your country, forbid direct and indirect discrimination on grounds of sex in the areas covered by paragraph 1 of Article 1.

On the level of statutory provisions of the highest legal force, the principle of equality is embodied in Article 3, paragraph 1 of the Charter of Fundamental Rights and Freedoms (Act No. 2/1993 Coll., the Charter of Fundamental Rights and Freedoms). According to this, the fundamental rights and freedoms are guaranteed to everyone without discrimination on any ground such as sex, race, color, language, belief and religion, political or other opinion, national or social origin, association with a national or ethnic minority, property, birth or other status.

The Labor Code, in wording of the Act No. 155/2000 Coll., in its general provisions expressly embodies the principle of equality and the principle of the prohibition of discrimination. Provision of Article 1 (3) stipulates that employers are obliged to ensure equal

treatment of all employees as regards their working conditions, including pay, and other considerations in cash or in kind for their work, vocational training and opportunities for career development (promotion). Provision of Article 1, paragraph 4 stipulates that in labor relations, **there shall be no discrimination** against employees on grounds of race, color, sex, sexual orientation, language, religious belief and religion, political or other conviction, membership or activity in political parties or political movements, trade unions organizations and other associations, nationality, ethnic origin or social background, property, family, state of health, age, marital and family status or family obligations. Conduct of employers, which involves indirect discrimination (i.e. where the consequences of such conduct are discriminatory), shall also be prohibited. The principle of equal treatment of men and women does not relate to the field of relations, as regards the special protection of women due to their pregnancy and maternity.

When assessing a specific case of a discriminatory conduct, the provision of Article 7, paragraph 2 of the Labor Code must always be also applied. The provision stipulates that the exercise of the rights and obligations arising from labor law relations may not be abused by anybody to the detriment of another participant in labor relations.

In case of a discriminatory conduct of an employer, as regards the equality of men and women, an employee has the option to request that employer abandons the specific discriminatory conduct, that employer eliminates the consequences of such conduct, and that the employer receives an adequate satisfaction. If the act of abandoning the undesirable conduct or acting is not sufficient because the human dignity of the employee or his respect at the work place was demeaned to a large extent, the employee has the right to a monetary compensation for this non-material detriment. The court decides on the amount of the compensation.

An employee, who feels harmed as a consequence of the non-fulfillment of the equal treatment principle, can claim protection in a complaint at the relevant labor office or by means of court. According to Article 133a of the Act No. 99/1963 Coll., the Code of Civil Procedure, the court considers the facts, claimed by the employee in association to being directly or indirectly discriminated on grounds of sex, as established, unless proved otherwise in the proceedings.

Beside the Labor Code, the amended wording of which itemizes the principle of equal treatment (equal treatment in remuneration, parental leave, determination of rights compensating the consequences of a discriminatory conduct, etc.), the principle of equal treatment was expressly embodied also in other statutory provisions. Among the most significant amendments in this regard there are:

- **amendment to the Act No. 1/1991 Coll., on Employment,** which itemizes the prohibition of discrimination of women and men in terms of access to employment and during its performance. It embodies the right of a citizen to employment without discriminatory restrictions, beside other, also on grounds of sex (provision of Article 1). Employer is obliged to refrain from any acting that could be viewed as a violation of the principle of equal treatment or discrimination, during hiring employees for an employment relationship. The Act on Employment also expressly prohibits making offers of employment, which are in conflict with this provision, i.e. discriminatory advertisement.

  Citizens, who are willing, and can work, and, who are actually applying for work, have the right for provision of placement services to get a suitable employment, to retraining necessary for the work fulfillment, and to material security before their commencement of employment, and in the case of a loss of an employment, without any discriminatory restrictions.

- **amendment to the Acts on Remuneration,** i.e. Act No. 1/1992 Coll., on Wages, Remuneration for Stand-by and Average Earnings, and Act No. 143/1992 Coll., on Salary and Remuneration for Stand-by in Budgetary and several Other Organizations, expressly embodied the principle of equal remuneration for equal work and for work of equal value – the principle of equal remuneration of men and women,
- **amendment to the Act No. 221/1999 Coll., on Carrier Soldiers,** embodied in the provision of Article 2, paragraph 4 the prohibition of discrimination,
- **amendment to the Act No. 99/1963 Coll., the Code of Civil Procedure,** embodies the transfer of the burden of proof in matters regarding to discrimination on grounds of sex (see above).

Currently, the option of adopting a special separate act on the equal opportunities of men and women is being considered. However, with regard to the general development of human rights, one of the possible solutions can be the adoption of a uniform „anti-discrimination" act, covering also other special kinds of discrimination (for instance on grounds of race and ethnic origin).

A significant initiative in the field of legal enforcement of gender equality was the ratification of the **Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women** (CEDAW). It embodies the right of an individual subject to a jurisdiction of a member state of the Protocol to submit an announcement of the violation of the rights stipulated by the Convention on the part of the particular state to the Committee on the Elimination of Discrimination Against Women.

Question B

Please describe all significant case law and other decisions in the field covered by paragraph 1 of Article 1.

For the time being it is not possible to find out whether the court protection, in the cases of discrimination on grounds of sex, had been utilized. This is because the relevant data were only provided, in the statistical classification of disputes and in the statistical penal paper of the Ministry of Justice, from 1999. The statistical classification contains items „disputes arising from employment relationship with regard to discrimination on grounds of sex and oppression of women's rights" and „remuneration discrimination on grounds of sex". According to the available information there have been no cases registered for the time being relating specifically to discrimination on grounds of sex. However, with regard to the legislative changes and to the increasing general awareness of the citizens about their rights in these issues, a change can be assumed with regard to this aspect in the future.

Question C

Please state the guarantees provided for the recognition of the right to equal treatment to which male and female workers are entitled, in particular the protection provided against possible retaliatory measures taken by an employer following a complaint or legal proceedings for discrimination.

The question was answered within the framework of an answer to the question D.

Question D

Please state the measures taken and the machinery established in your country to guarantee or promote in practice equality of opportunity and equal treatment. This information should be specified according to the various areas listed in paragraph 1 of Article 1.

The CR Government started to deal systematically with the issues of equal opportunities only at the beginning of 1998. Not only in association with the CR's future membership in the EU, but also in association with other international obligations arising, for instance, from the UN Convention on the Elimination of All Forms of Discrimination Against Women, or from the conclusions of Peking conference, or from its Action Platform.

At the beginning of 1998 the Minister of Labor and Social Affairs was, by means of a Government decree, entrusted with a coordination tasks for the field of equal opportunities for men and women. Other ministers were assigned to provide him with due cooperation.

At the same time, all the members of government were assigned to cooperate with the non-governmental women organizations. This document, **„the Priorities and procedures of the Government for the Enforcement of Equality of Men and Women"** (hereinafter „Priorities") was approved by the Government in April 1998 (for more detail see answer to Article 1, paragraph 2 of the Report on the Implementation of the European Social Charter).

The National Employment Plan was also prepared, for the purposes of the support and enforcement of equal opportunities in the field of employment. It was approved by the Government in May 1999. Its fourth corner-stone consists of the support to equal opportunities of all persons (for more detail see answer to the Article 1, paragraph 1 of the Report on the Implementation of the European Social Charter).

In the fields of the **enforcement of the individual rights of employees,** there are mainly the territorial employment authorities – the ***labor offices.*** They inspect the implementation of the labor law provisions. The meeting of the provisions regulating the field of work safety, and in particular the working conditions of pregnant women, women shortly after childbirth and breastfeeding women, is supervised by ***the state specialized supervisory bodies.*** Both the above mentioned authorities has the authorization to impose administrative fines to employers for the violation of their duties.

The labor office can sanction an employer who has been proved to discriminate a citizen in his access to employment, in a similar manner as it is in cases of other violations of labor law regulations. The labor office is authorized to request an employer to eliminate any shortcomings, and to impose fines also repeatedly for the fault on their part with regard to violation of duties (for more detail see answer to Article 1, paragraph 1 of the Report on the Implementation of the European Social Charter). If the labor office is carrying out an inspection, on the basis of a written input of a citizen, the labor office is obliged to inform the citizen in writing on the method and results of the inspection (provision of Article 8, paragraph 5 of Act No. 9/1991 Coll., on Employment).

The Ministry of Labor and Social Affairs was assigned, within the framework of the Priorities, to secure that the inspections of the meeting of the labor law provisions be aimed at the meeting of the prohibition of discrimination on grounds of sex, including the meeting of the principle of equal wage for equal work and for work of equal value. Inspection activity of the labor offices became more intensive in this field in 2000, as opposed to the previous years.

The competent **trade union bodies** are also authorized to perform activities aimed at the inspection of the meeting of the statutory provisions on employment, in the extent specified in the Labor Code (provision of Article 26 of the Act on Employment).

Specific claims, in the case of the violation of the principle of equal treatment of men and women, were reflected into the Czech legal system by means of the amended provision of Article 7 of the Labor Code. The aggrieved employee has the right, in the case of the violation of rights and duties arising from the equal treatment of men and women, to claim that employer abandons such conduct, eliminates its consequences and that the employee is given an adequate satisfaction.

In case that the abandoning of this faulty acting is not sufficient and on condition, that the employee's dignity or respect at the workplace was demeaned to a large degree, the employee has the right to claim monetary compensation for this non-material detriment. The court determines the amount of the compensation. It is clear from the diction of the Act, that beside the existing provisions regulating the general responsibility of the employer, the legislation was expanded by specific entitlements enabling also the recognition of non-material detriment, typical in the cases of discrimination, generally.

Currently, in the CR, the general courts, that also ensure (order) the execution of their decisions, deal with the individual labor law claims of employees.

Question E

Please supply information on de facto situation which, in your country, constitute inequalities in matters covered by paragraph 1 of Article 1 and state the specific measures taken to remedy those situations.

The most evident concern in this field are the persisting inequalities in the **average work incomes of men and women,** to the detriment of women. From 1996 to 1999 they showed deterioration by 4%, the proportion of an average wage of a woman in the average wage of a man amounts to 73.2%. According to the results of foreign and domestic surveys, this difference is caused beside other, also by discrimination. The Research Institute of the Ministry of Labor and Social Affairs was therefor authorized to prepare an analysis of differences in the amount of work incomes of men and women, and to design a model procedure for the ascertainment of the share of discrimination in these differences. The research should establish the starting point situation, design a procedure for the regular measurement of this difference, and find a suitable method for the measuring of the share of discrimination. The final report of this research will be prepared by June 2002.

For more information on this question see also an answer to the question of Article 4, paragraph 3 (B).

Question F

Please indicate if, in your country, social security matters and the other provision listed in the Appendix are excluded from the scope of the Protocol.

The Act on Pension Insurance No. 155/1995 Coll., preserves the different retirement age for the arising of the entitlement of men and women to the old pension (provision of Article 32) and stipulates the conditions of entitlement to widow's and widower's pensions (provision of Article 49 and the following provisions).

Within the monitored period, the retirement age of men was 60 years, and of women (in dependence to the number of brought up children) 53 – 57 years. In terms of insured persons who attain the above mentioned age limits within the period from 1st January 1996 to

31st December 2006 the retirement age is determined in the following manner; for each whole-or-part-year from the period after 31st December 1995 until the day of attaining the ages stipulated above, two months shall be added to the calendar month when the insured person attains the stipulated limit in the case of men, and four months in the case of women; retirement age is attained on the day which in number accords with the birthday of the insured person; should the determined month not include such date, retirement age is considered to be attained on the last day of such determined calendar month.

In compliance with the provision of Article 50, a widow is entitled to widow‘s pension for the period of one year from the death of her husband. After expiry of this period, the widow is entitled to widow‘s pension if she attained the age of 55 years or retirement age, if the retirement age is lower. Widower in such a case is entitled to widower‘s pension, if he attained the age of 58 years or retirement age, if the retirement age is lower.

Question G

Please state the specific measures taken in accordance with Article 1, paragraph 2, to protect women in employment or occupations, particularly with respect to pregnancy, confinement and the post-natal period.

Part five of the Priorities, „Taking into Respect Women‘s Reproductive Function and Physiological Differences“, contains the tasks (5.1) of evaluating, whether, under the continuing development of utilization of the new technologies and work organization, it is still necessary to preserve the labor law protection of health of women, in the extent, and under conditions, stipulated by the Labor Code, and by the Notification of the Ministry of Health No. 261/1997 Coll., Determining Work and Work Places Prohibited to All Women, Pregnant Women, Mothers until the Ninth Month after Giving Birth and to Minors, and Conditions under Which the Minors Can Exceptionally Perform This Work Due to Vocational Training.

Reason for including this task were the trends to review consistently the special labor law protection of women, appearing in particular in the context of the European Law. The Acquis Communautaire requires an increased protection of women from the member states, however in a somewhat different personal scope of the final addressees of this care and of the level of this care. These trends suggest, that a special protection of women should be directed with regard to women in the specific periods of their life (during pregnancy, at the time shortly after childbirth and the time of breastfeeding), unlike the broadly drawn up protection provided in particular based of the above mentioned Notification No. 261/1997 Coll.. The last harmonization amendment of the Labor Code however took these new trends into respect (except for the prohibition of work underground to all women with exceptions specified in the Act). It determines or authorizes to determine work prohibited only to pregnant women, women shortly after childbirth and breastfeeding women. By accomplishing this task a balanced approach should be found. This approach will provide women with such protection that will not have a counterproductive effect, as a consequence.

Right to the protection of health and to safe working conditions and working conditions that are not hazardous to health, including the protection of the woman‘s mission as a mother, is embodied in Act No. 65/1965 Coll., the Labor Code, as subsequently amended. It is embodied both in the general provisions on safety and health protection at work (provisions of Articles 74 and 133 and the following provisions) and in special provisions protecting pregnant women and mothers. This specifically relates to the provision of Article 37, regulating the conditions for the ***transfer to another work,*** the provision of Article 48 containing the ***prohibition of giving a***

notice to a pregnant employee, to a female or male employee taking permanent care of at least one child under the age of three, the provision of Article 150 ***prohibiting some work*** to all women, pregnant women and mothers until the end of ninth month after childbirth and breastfeeding women, and the provision of Article 153 and following provisions, regulating the ***working conditions of pregnant women and mothers.***

According to the provision of Article 150 a pregnant woman must not be employed in work that according to a medical opinion endangers her pregnancy due to health reasons inhered in her person. This similarly applies to a woman who is breastfeeding and mother until the end of the ninth month after childbirth. Provision of Article 153 on the transfer to another work impose the duty to an employer of transferring a woman to another work, with regard to her health condition, pregnancy, maternity until the ninth month of the child's age, breastfeeding and due to reasons of health protection. At this time women are provided with the so-called ***compensatory allowance,*** the purpose of which is to prevent women from a material detriment, arising from being transferred to another, less paid work, due to pregnancy or maternity.

According to the provisions relating to **the maternity leave,** the employer is obliged to provide a woman on her request, with further maternity leave of up to three years of the child's age. Last amendment of the Labor Code, which came into effect on 1st January 2000 made the position of parents, in terms of the labor law entitlements, conditioned by care for a child, equal. In provisions of Articles 159 – 160 the former „further maternity leave" was transformed into **parental leave** (in compliance with Directive No. 96/34/EC, on Parental Leave). This regulation consistently secures that also the father of the child can draw this leave, under the same conditions as the mother. The unjustified disproportion between the position of women and men caring for small children while being employed has also been eliminated. This means that father will not have to be „single" in order to have the same working advantages as the mother. Also an individual, who accepted a child into their permanent care, is entitled to maternity and parental leave in the determined extent. Material security for the period of maternity and parental leave (including the concurrence of the provision of the financial assistance and the family benefit) is regulated by special acts (see answer to questions of Article 8, paragraph 1 (C) and (D) of the Report on the Implementation of the European Social Charter).

Special legislation, relating to pregnant women, is embodied also in **statutory provisions in the field of school system.** Provision of Article 5, paragraph 2 of the Ministry of Education, Youth and Sports Notification No. 354/1991 Coll., on Secondary Schools, assigns a duty to the headmaster of the secondary school of suspending studies of a female student due to pregnancy and maternity, if the practical training is carried out on work, or work places prohibited to pregnant women and mothers until the end of ninth month after childbirth, or if the practical training endangers the pregnancy of the student, according to a medical expert opinion.

The labor offices also pay an increased attention to placement of pregnant women. The labor office can assign an employer to select jobs suitable for these female applicants from vacant jobs reported by the employer (provision of Article 9 of the Act No. 1/1991 Coll., on Employment).

Question H

Please state whether other specific measures for protecting women or men in matters covered by paragraph 1 of Article 1 exist and explain the reasons for such measures and their scope.

The Ministry of Labor and Social Affairs (as the national coordinator in the field of equal opportunities for men and women), beside the above-mentioned measures of both legislative and non-legislative nature, undertakes a number of other activities. The fundamental priority in the field of equal opportunities is therefor the support to the implementation of the principle of equality of men and women in practice. On 9th May 2001 the Government considered the overall report on the fulfillment of priorities in 2001 and by means of Decision No. 456 updated and expanded the measures adopted so far. The following tasks are among the new significant tasks the Government assigned its members with:

- duty to prepare the ***departmental program documents*** for the enforcement of equality of men and women in the field of the material competence of the individual ministries by 31.12.2001,
- duty to incorporate institutes for the elimination of the possible disadvantageous representation of men and women in the participation in decisive social activities – the so called ***positive actions,*** when preparing the proposals of statutory provisions,
- duty to create one ***job for the execution of the tasks relating to equal opportunities for men and women,*** as a minimum of half time job, by 1.1.2002,
- duty of the Ministry of Labor and Social Affairs to submit by 31.12.2001 a proposal for the establishment of the **Council of the CR Government for Equal Opportunities of Men and Women** to the Government. This proposal was submitted to the Government at the end of September. The main activity of the Council, the establishment of which was approved by the Government Decree No. 1033 of 10th October 2001, will consist of consensual proposals and recommendations relating to the creation and enforcement of equal opportunities for men and women. The council has 23 members, of which 15 members come from departmental resorts (functional level of the deputies to ministers). The further members of the Council are the representatives of the social partners, citizens‘ and expert public. In order to interconnect the activity of the Council with the representatives of the local governments, it is envisaged that the head officials of these authorities will have the status of permanent guests with the right to participate in negotiations, to present initiatives, and thus, in fact, influence the creation of the nationwide policy for equal opportunities of men and women. The council will purposefully complement the existing system of advisory bodies of the Government dealing with the issues of elimination of other significant discriminatory aspects (as for instance health handicap, nationality or ethnical origin).

In December 2001 all engaged parties – the individual ministries, or as the case may be, authorities, social partners and non-governmental women‘s organization – were asked to provide documentation, by 31.1.2002, on the fulfillment of the tasks for the year 2001. This documentation serves for the preparation of the yearly Summary Report on the Fulfillment of the Priorities.

Among other significant activities of the Ministry of Labor and Social Affairs there is the project of the Ministry of Labor and Social Affairs within the framework of the program PHARE 2001, aimed at enhancing the institutional provision of equal opportunities of men and women. This project, approved in April 2001 by the European Committee, assumes the

evaluation of the current institutional provision and in particular the building of fundaments of its vertical structure both nationwide and on local level. The project will be realized in the course of 2002. Sweden was selected as the project solver. Sweden‘s practical results in the enforcement of equality of men and women are generally acknowledged. Currently the final phase of the preparation of the convention between the Czech and Swedish parties in under way.

Question I

Please indicate whether there are occupations (if so, which ones) that are reserved exclusively for one or other sex, by specifying if it is because of the nature of the activity or the conditions in which it is carried out.

The principle of equal treatment of men and women does not apply without reservations. Expressly, it does not apply to relationships regulated by provisions guaranteeing the protection of women due to their pregnancy and maternity (see answer to question G). And it does not apply in cases when there is a factual reason for it, consisting of preconditions, requirements and nature of work performed by the employee, which is vital for the execution of the work. This relates in particular to specific work activities, where the sex of the employee represents the decisive factor for their execution (for more detail see answer to question G and answer to question of Article 8, paragraph 4 of the Report on the Implementation of the European Social Charter).

The list of sources to the Article 1:

- *Act No. 2/1993 Coll.,* ***the Charter of the Fundamental Rights and Freedoms,***
- *Act No. 65/1965 Coll.,* ***the Labor Code,*** *as amended*
- *Act No. 1/1991 Coll.,* ***on Employment,*** *as amended*
- *Act No. 143/1992 Coll.,* ***on Salary and Remuneration for Stand-by in Budgetary and in some Other Organizations,*** *as amended*
- *Act No. 99/1963 Coll.,* ***the Code of Civil Procedure,*** *as amended*
- *Act No. 155/1995 Coll.,* ***on Pension Insurance,*** *as amended*
- *Ministry of Health Notification No. 261/1997 Coll.,* ***Determining Work and Work Places Prohibited to All Women, Pregnant Women, Mothers until the Ninth Month after Giving Birth and to Minors, and Conditions under Which the Minors Can Exceptionally Perform This Work Due to Vocational Training,*** *as amended*
- *Act No. 1/1992 Coll.,* ***on Wages, Remuneration for Stand-by and on Average Earnings,*** *as amended*
- *Act No. 29/1984 Coll.,* ***on the System of Elementary, Secondary and Higher Professional Schools (the School Act),*** *as amended*
- *Act No. 76/1978 Coll.,* ***on School Establishments,*** *as amended*
- *Act No. 564/1990 Coll.,* ***on State Administration and Self-government in the Field of Education,*** *as amended*
- *Act No. 354/1991 Coll.,* ***on Secondary Schools,*** *as amended*
- *Act No. 9/1991 Coll.,* ***on Employment and on Activities of the Authorities of the Czech Republic in the Sector of Employment,*** *as amended*
- *Act No. 221/1999 Coll.,* ***on Carrier Soldiers,*** *as amended.*

- ***The Optional Protocol to the Convention on the Elimination of all Forms of Discrimination Against Women***

ARTICLE 2 – THE RIGHT TO INFORMATION AND CONSULTATION

1. With a view to ensuring the effective exercise of the right of workers to be informed and consulted within the undertaking, the Parties undertake to adopt or encourage measures enabling the workers or their representatives, in compliance with national legislation and practice:

a) to be regularly or at the appropriate time and in a comprehensible way about the economic and financial situation of the undertaking employing them, on the understanding that the disclosure of certain information which could be prejudicial to the undertaking may be refused or subject to confidentiality; and

b) to be consulted in good time on proposed decision which could substantially affect the interests of workers, particularly on those decisions which could have an important impact on the employment situation in the undertaking.

2. The Parties may exclude from the field of application of paragraph 1 of this article those undertakings employing less than a certain number of workers to be determined by national legislation or practice.

Question A

Please state if workers in undertakings are informed and consulted directly or through their representatives and, in the latter case, how such representatives are appointed at the various levels (workshop, establishment, undertaking, etc).

The Labor Code secures the right of employees to information and consultation of determined matters. The employer is obliged to inform employees and negotiate with them directly if there is no competent trade union body or council of employees or representatives concerned with the safety and protection of health at work operating at the employer.

The key task during the implementation of the right of employees to information and consultation is carried out by the trade unions. The right to freely associate with others for the purposes of protection of their own economic and social interests, and to establish trade union bodies independently to the state is embodied in the Article 27 of the Charter of the Fundamental Rights and Freedoms. To restrict the number of trade union organizations is not admissible, nor it is admissible to give preferential treatment to some of them within the company or sector. The establishment of a **trade union organization** is regulated by the Act on Association of Citizens (Act No. 83/1990 Coll., on Association of Citizens). A trade union organization becomes a legal entity, after the proposal for its recording has been delivered to the Ministry of Interior. The proposal can be submitted by at least three citizens, of which at least one must be over the age of 18. The internal matters are regulated by the articles of association. The members of a trade union organization can freely join it, as well as freely leave. Its bodies are elected in the manner regulated by articles of association. A trade union organization represents all employees working for an employer, even those who are not organized within the trade unions.

If there are more trade union organizations at the same employer, the relationships between them and the employer are regulated by the Act No. 120/1990 Coll.. The provision of Article 2 of this Act stipulates that if there are more trade unions working within the employer‘s organization, the employer‘s organization must, in cases relating to all employees or to a larger number of employees, when the generally binding statutory provisions require consultation or approval of a trade union body, fulfill these duties, with regard to the competent bodies of all the participating trade union organizations, unless agreed otherwise with them. If the bodies of all participating trade union organizations do not agree within the period of maximum 15 days from the time when being requested, whether they provide their consent or not, the decisive standpoint is the one of the body of a trade union organization with the largest number of members, within the employer‘s organization.

In compliance with the amended wording of the provision of Article 24 of the Labor Code, in order to ensure the right to information and consultation, the employees who are employed by an employer, where there is no trade union organization, may elect an **employees‘ council** or **representatives concerned with safety and the protection of health at work.** An employees‘ council can be elected if there are more than 25 employees in an employment relationship with one employer. The employees‘ council has no less than three and no more than 15 members. A representative concerned with the safety and the protection of health at work can be elected if there are more than ten employees in an employment relationship with one employer. The total number of such representatives depends on the total number of the employer‘s employees and on the risk attached to the types of work carried out by the employees, but there shall be a maximum of one such a representative to ten employees. Elections are announced by the employer on the basis of a written proposal signed by at least one third of employer‘s employees who are in an employment relationship. The election is by direct, equal and secret ballot. Voting must be only in person. The employees‘ council and the function of a representative concerned with the safety and the protection of health at work ceases to exist, on the day when the trade union organization of the employer proves that it has been established and that it operates within his organization.

Question B

Please describe the structures, procedures and arrangements for information and consultation in your country with all necessary information concerning the level at which they operate, whether they are compulsory or optional, their frequency, etc.

The above mentioned amendment of the Labor Code, No. 155/2000 Coll., which amends the Labor Code, expanded the rights of employees, or as the case may be, of their representatives to information and consultation of defined matters. In compliance with the provision of Article 18, the employer is obliged to inform employees and consult them directly, if there is no competent trade union body or employees‘ council or representatives concerned with safety and the protection of health at work operating at the employer. For more detail see answer to Article 6, paragraph 1 of the Report on the Implementation of the European Social Charter.

Labor offices were assigned with the inspection of the meeting of the labor law provisions in the field in concern (see answer to question of the Article 2, paragraph 1 (A) of the Report on the Implementation of the European Social Charter).

Question C

Please state the nature of the information and of the consultation provided for by legislation, examples of significant collective agreements or by other means, and whether they take place at the level of the undertaking or of the establishment.

The question was answered within the framework of an answer to the question B. The deadlines for reporting information are usually agreed in collective agreements, as well as more detailed contents of specific conditions of the contractual parties.

Question D

Please state the specified number or numbers of workers below which undertakings are not required to comply with the provisions relating to the information and consultation of workers.

Employees have the right to information and consultation of determined matters. The limits of the number of employees are not set. If there are representatives of employees of an employer, the employer fulfills his duties through the representatives.

Question E

If some workers are not covered by provisions of this type prescribed by legislation, collective agreements or other appropriate measures, please indicate the proportion of workers not so covered (see Article 7 of the protocol and the relevant provision in the Appendix).

Legislation of this kind applies to all workers.

Question F

Please state whether undertakings other than those specified in paragraph 2 of Article 2 are excluded from the application of this provision in the meaning of the Appendix to the Protocol (Article 2 and 3, paragraph 4) and state the nature of such undertakings and their sectors of activity).

The above mentioned legislation relates to all companies.

The list of sources to the Article 2:

- *Act No. 65/11965 Coll.,* ***the Labor Code,*** *as amended*
- *Act No. 83/1990 Coll.,* ***on Citizens´ Association,*** *as amended*
- *Act No. 120/1990 Coll.,* ***on the Regulation of Certain Relationships between Trade Union Organisations and Employers Regulating Some Relations between Trade Union Organizations and Employers,*** *as amended.*

ARTICLE 3 – THE RIGHT TO TAKE PART IN THE DETERMINATION AND IMPROVEMENT OF THE WORKING CONDITIONS AND WORKING ENVIRONMENT

1. With a view to ensuring the effective exercise of the right of workers to take part in the determination and improvement of the working conditions and working environment in the undertaking, the parties undertake to adopt and encourage measures enabling workers or their representatives, in accordance with national legislation and practice, to contribute:

a) to the determination and the improvement of the working conditions, work organization and working environment;

b) to the protection of health and safety within the undertaking;

c) to the organization of social and socio-cultural services and facilities within the undertaking;

d) to the supervision of the observance of regulations on these matters.

2. The Parties may exclude from the field of application of paragraph 1 of the article those undertakings employing less than a certain number of workers to be determined by national legislation or practice.

Question A

Plsease state if workers participate directly or through their representatives in the determination and improvement of the working conditions and the working evironment and, in the latter case, how such representatives are appointed at the various levels (workshop, establishment, undertaking, etc.).

In compliance with the amended provision of Article 135 of the Labor Code, employees have the right and obligation to participate in the creation of healthy and safe work environment, in particular by applying prescribed measures, and measures adopted by the employer, and by their participation in resolving issues of safety and the protection of health at work. Each employee is obliged to see, according to his abilities, to his own safety, his health and safety and health of persons who are directly affected by his acting, or as the case may be, by omissions in his work. An employee is obliged to report to his superior about shortcomings and faults at the work place, that could endanger safety or the protection of health at work, and according to his abilities participate in their elimination.

Provision of Article 136a of the Labor Code embodies the obligation of the competent trade union body, or as the case may be of the representative concerned with safety and the protection of health at work, or of the employees to **cooperate with the employer** and with employees qualified, in terms of expertise in the prevention of risks, so that the employer can provide safe, conforming working conditions and working conditions not hazardous to health. And so that the employer can fulfill all obligations stipulated by statutory provisions, and measures of bodies concerned with the execution of expert supervision of safety and the protection of health at work.

Employer is obliged to enable the competent trade union bodies, or representatives concerned with safety and the protection of health at work, or directly the employees to **participate during consultations relating to safety and the protection of health at work, or to provide them with information on such consultation.**

Employer is obliged to inform them, in particular, about the evaluation of risks and adoption and implementation of measures for the decreasing of their effect, about the organization of training, about instructions and orders relating to safety and the protection of health at work, about the appointment of employees for the provision of first aid, and about other matters that can substantially influence the safety and the protection of health at work. Employer is obliged to hear their information, observations, and proposals for measures.

Employer is obliged to organize, at least, once in a year **reviews of safety and the protection of health at work** at all work places and facilities of the employer, in agreement with the relevant trade union body or representative of employees concerned with safety and the protection of health at work, and to eliminate ascertained shortcomings.

Employer is obliged to enable the relevant trade union bodies and representatives concerned with safety and the protection of health at work, during inspections carried out by bodies concerned with the specialized supervision of safety and the protection of health, **to present their observations.** Employer is also obliged to provide the competent trade union bodies and representatives concerned with safety and the protection of health at work **with training** enabling them to perform duly their functions and to **make available** to them the statutory and other provisions relating to the securing of safety and the protection of health at work and documents relating to:

- searching for and evaluation of risks, relating to measures for the elimination of risks and for the restriction of their effect on employees, and relating to suitable organization of safety and the protection of health of employees at work,
- records and reports of work injuries and recognized occupational diseases,
- execution of inspection and measures of bodies concerned with the execution of the specialized supervision of safety and protection of health at work.

The right of trade union bodies, to submit proposals for the improvement of working conditions, is embodied in the provision of Article 22 of the Labor Code. Within the framework of inspection of the state of safety and health protection at work, the trade union bodies are, in particular, entitled to **require** that the employer, in a binding instruction, **rectifies faults** in the operation of machinery and equipment and in working procedures and, if there is a direct threat to the life of health of employees, to forbid further work (provision of Article 136). The trade union bodies are obliged to notify the competent specialized state supervisory authority, without any delay, of such measure. If an employer so requests, the competent specialized state supervisory authority shall review the trade union‘s measures; until it makes a decision, the trade union‘s measures shall apply.

The right of employees to information, or as the case may be to consultation of determined issues was dealt with within the framework of the answer to Article 2.

The so-called school council is a specific institute, the legislation of which is embodied in Act No. 564/1990 Coll., on State Administration and Self-government in the Field of Education (in particular the provisions of Articles 17 to 17 g). The school council is

a body of a school enabling the legal representatives of minor pupils, the major pupils, the employees of the school, citizens of the municipality and other persons to participate in the administration of the school. It can influence the working conditions and working environment during the decision-making on the approval of the annual report of the school activities, the proposal of budget and the report on economic management of the school.

Question B

Please give general description of the structures, procedures and arrangements for workers to take part in determining the work conditions in undertakings in general and, when appropriate, in the various activity sectors of undertakings. This information should be specified according to each of the various areas referred to in paragraph 1 of Article 3 of the Protocol. If appropriate, please describe at what levels within the undertaking these rights are exercised and describe how.

The question was partially answered within the framework of the answer to question A and the answer to questions in Article 2.

Provision of Article 136 of the Labor Code itemizes the authority of the trade union bodies to execute the inspection of the safety and health protection at work at their employers. They have, in particular, the right to inspect how the employers fulfill their obligations in terms of care for safety and health protection at work, and whether they systematically create conditions for safe work and for work not hazardous to health, to regularly review workplaces and facilities of the employers for employees, and to inspect the economic management of the employers with personal protective working aids, to inspect whether employers duly investigate the work injuries, to participate in establishing causes of work injuries and of occupational diseases, or as the case may be to investigate them themselves, to require that the employer, in a binding instruction, rectifies the faults in machinery and equipment, and in work procedures and if there is a direct threat to life or health of employees, to forbid further work, and to participate in consultations on the issues of safety and health protection at work.

Expenditures, incurred by the execution of the inspection of safety and health protection of health at work, are reimbursed by the state.

Safety and health protection at work, and the participation of trade union bodies, and representatives concerned with safety and health protection, and employees in resolving related issues, were dealt with in more detail in the answer to question A (also see answer to questions of Article 3 of the Report on the Implementation of the European Social Charter).

In compliance with provision of Article 19 of the Labor Code, the relevant trade union body **co-decides** with the employer on the ***determination of a contribution for the fund of cultural and social needs*** (Ministry of Finance Decree No. 310/1995 Coll., on the Fund of Cultural and Social Needs, regulating the creation, use and economic management of funds of cultural and social needs of state companies, budgetary organizations, and other entities, the income and expenditures of which are the incomes and expenditures of the state budget and of allowance organizations).

Provision of Article 74 of the Labor Code enumerates the duties of managing employees. It stipulates that management employees are, beside other, obliged, in the interest of the enhancement of the labor productivity, to organize work as well as they can, to create positive working conditions, and to secure safety and health protection at work, and to create favorable conditions for the enhancement of qualifications of employees, and for the satisfaction of their cultural and social needs.

Question C

Please state if workers´ participation concerns all of the areas covered by Article 3, paragraph 1, of the Protocol.

The scope of participation of employees in the determination and improvement of working conditions and working environment was described within the framework of the answer to question B. The Labor Code lacks the express embodiment of the participation of employees in the organization of social and socially cultural needs and facilities, if there is no trade union organization established at the employer. If a trade union organization is established, then the employer is obliged to consult measures, relating to a larger number of employees, i.e. also these aforementioned measures.

Question D

Please state the number or numbers of workers below which undertakings are not required to make provision for the participation of workers in the determination of their working conditions.

The above mentioned duties relating to information and consultation relate to all employers.

Question E

If some workers are not covered by provisions of this type prescribed by legislation, collective agreements or other measures, please state the proportion of workers not so covered (see Article 7 of the Protocol and the relevant provision in the Appendix).

Exceptions relate to categories of persons specified in the answer to the Article 2, paragraph 1, (F) of the Report on the Implementation of the European Social Charter.

Question F

Please state whether undertakings other than those specified in paragraph 2 of Article 3 are excluded from the application of this provision in the meaning of the Appendix to the Protocol (Articles 2 and 3, paragraph 4) and indicate their nature and the sector of activity involved).

The above mentioned provisions relate to all companies.

List of sources to the Article 3:

- *Act No. 65/1965 Coll.,* ***the Labor Code,*** *as amended*
- *Act No. 310/1995 Coll.,* ***on the Fund of Cultural and Social Needs,*** *as amended*
- *Act No. 564/1990 Coll.,* ***on the State Administration and Self-government in the Field of Education,*** *as amended.*

ARTICLE 4 – THE RIGHT OF ELDERLY PERSONS TO SOCIAL PROTECTION

Article 4, paragraph 1

With a view to ensuring the effective exercise of the right of elderly persons to social protection, the parties undertake to adopt and encourage, either directly or in co-operation with public or private organizations, appropriate measures designed in particular:

1. to enable elderly persons to remain full members of society for as long as possible, by means of:

a) adequate resources enabling them to lead a decent life and play an active part in public, social and cultural life;

b) provision of information about services and facilities for elderly persons and their opportunities to make use of them;

Question A

Please describe the measures of social protection and the social services existing in your country to enable elderly persons to remain full members of society as long as possible.

Elderly citizens are provided by the competent state authorities with services and benefits of social care, by means of which the life in old age is made easier and enables the satisfaction of special needs arising on the grounds of aging. Also a person who personally whole day and duly cares for a person who is partially infirm or older than 80 years of age, that requires attendance of other person, according to a medical opinion, and if income of the attending person does not exceed 1.6 multiply of the minimum amount for sustenance and other personal needs, when attending one person, or 2.75 multiply of this amount when attending two or more persons, is entitled to **allowance for attendance to a close or other person,** in compliance with the provision of Article 80 of Act No. 100/1988 Coll., on Social Security.

A person is also entitled to this allowance if the person cares for another than close person, if they live together in a household.

Elderly citizens, in particular those, who for permanent changes in their health condition require systematic care, are provided with housing, sustenance, in case of a need also personal equipment, health care, rehabilitation, cultural and recreational care in social care institutions for elderly citizens, unless their health condition requires a treatment and nursing in an institutional establishment of medical preventive care. Institutional care is provided as a whole year, weekly or daily stay, or as the case may be temporary stay. Elderly citizens can be provided with the necessary care also in establishments for daily stay, or as the case may be, in other social care establishments.

The answer to question B and to the question of Article 4, paragraph 2, (A), deals in more detail with the social care benefits and social services, provided to elderly persons.

Question B

Please indicate the measures taken to ensure that elderly persons have adequate resources within the meaning of this paragraph.

The right of citizens to an adequate material security in old age is embodied, on the level of statutory provisions of the highest power, in Article 30, of the Charter of Fundamental Rights and Freedoms (Act No. 2/1993 Coll., the Charter of Fundamental Rights and Freedoms).

Besides the pension security benefits – old age pension (see answer to question of Article 12, paragraph 2 of the Report on the Implementation of the European Social Charter) – there is the institute of the **increase of a pension due to infirmity** (Act No. 100/19888 Coll., on Social Security). If the pensioner is permanently so infirm, that he requires nursing and attendance of another person, his pension security pension is increased, or as the case may be, the aggregate of these pensions, in the case of partial infirmity, by 20% (438 CZK), in the case of prevailing infirmity by 40% (876 CZK), and in the case of full infirmity by 75% of the amount (1,643 CZK) which according to the Act on Minimum Subsistence Amount is considered as the amount necessary for the provision of sustenance and other basic personal needs of a person who is not a child without support. Infirmity and its degrees are assessed according to the provisions of pension insurance (Act No. 155/1995 Coll., on Pension Insurance, as subsequently amended, Ministry of Labor and Social Affairs of the Czech Republic Decree No. 284/1995 Cool., Implementing the Act on Pension Insurance).

When meeting the condition of being socially in need (Act No. 482/1991 Coll., on Social Need) the elderly citizens can be provided with **single monetary social care benefit,** for the reimbursement of extraordinary necessary expenditures, that they cannot pay from their usual income (provision of Article 32 of the MOLSA Notification No. 182/1991 Coll., Implementing the Act on Social Security). Single monetary benefits can be provided (without the necessity of meeting the conditions of being socially in need) to elderly citizens, if they are placed in an institute of social care, psychiatric institution or a health care institution for long-term ill persons, for the reimbursement of obligations of a short-term nature, that these citizens cannot pay from their means. **Material benefits** can be provided for the satisfaction of their usual needs for living, that they cannot secure themselves due to their age, health condition or solitariness. Securing more demanding work activities necessary for the operation and maintenance of a household, and its reimbursement, for instance provision of objects for satisfying needs of living, are considered as material benefits.

Citizens, who are the recipients of an increase of a pension due to infirmity, can be provided an allowance for establishment (change of connecting) of a telephone line. Citizens above the age of 70, who live alone, can be provided an allowance for the operation of a telephone line up to the amount of the full reimbursement of basic monthly rate for the use of the telephone line (provision of Article 43 of the MOLSA Notification No. 182/1991 Coll., Implementing the Act on Social Security).

When meeting the condition of being in social need, the elderly citizens can be provided with an allowance for catering of up to the amount of 12 CZK per one lunch. In extraordinary cases, this allowance can be increased by up to 15%, i.e. to 13.80 CZK. When meeting the condition of being in social need an allowance for fuel oils or the purchasing of heating units and other appliances can be provided.

In the case of seriously disabled citizens, there are a number of obligatory and facultative benefits reacting, in particular, to the need of housing adjustment, the support to

mobility and the securing of aids etc.

Benefits of social care according to the Social Need Act, or as the case may be, **benefits of social care in extraordinary cases** (see answer to question of Article 17, (A) of the Report on the Implementation of the European Social Charter) can also be provided.

Question C

Please indicate by which ways information about the services and facilities available for elderly persons are provided to the persons concerned.

Currently, there are **citizens' advisory centers** in operation, with a broad range of information for their clients. Citizens' advisory centers have a network in the whole Czech Republic, they are associated in the Association of the Citizens' Advisory Centers of the CR, which provides an expert guidance to the individual advisory centers, and sees to the quality of provided services. Citizens' advisory centers have produced quality standards, they provided for specialized supervision and a system of life-long education of advisors.

Citizens' advisory centers operate free of charge, on the principle of independence, impartiality and confidentiality. The range of activities of the citizens' advisory centers is considerably broad. The activities encompass the issues of housing, social issues, human rights, family and interpersonal relationships, labor law and civil relationships, consumer protection etc. The advisory centers provide the elderly persons, in particular, with information relating to social security issues, addresses of medical doctors offices, of closest hospitals, houses with nursing care, pensions for pensioners, etc.

The reform of social services assumes the information obligation of the municipalities. The proposal of the legislative intent of the Act on Standardization of Selected Public Services, including the social services, assumes the obligatory introduction of public information kiosks.

Article 4, paragraph 2

"With a view to ensuring the effective exercise of the right of elderly persons to social protection, the Parties undertake to adopt or encourage, either directly or in co-operation with public or private organizations, appropriate measures designated in particular:

2. to enable elderly persons to choose their life-style freely and to lead independent lives in their familiar surroundings for as long as they wish and are able, by means of:

a) provision of housing suited to their needs and their state of health or of adequate support for adapting their housing;

b) the health care and the services necessitated by their state;"

Question A

Please describe the existing public and, where appropriate, private services and the measures taken to ensure the application of this provision.

Home health care has been continuously developing, with the aim of bringing health care closer to, in particular, elderly citizens, and of increasing the effectiveness of the provided care by providing it as much as possible in their home environment. The aforementioned is, in practice, fulfilled especially through nursing services in households, and through activities of the field social workers, who are employed by the district authorities, and carry out the social signaling of persons in need, and maintain the dispensation of elderly persons sorted by the years of birth, and carry out visits in their households.

Provision of nursing services is regulated by the provision of Article 49 of the MOLSA Notification No. 182/1991 Coll., Implementing the Act on Social Security. Municipalities and district authorities provide nursing services to disabled citizens, and to elderly citizens, who are not capable of carrying out the necessary work in household and other needs for living, or who due to their adverse state of health need nursing by other person or other personal care, in cases when the family members cannot provide the necessary care to them.

Nursing service is provided to the citizens in their households, including households in houses with nursing services, in establishments of nursing services, in the households of voluntary workers of nursing services, or as the case may be outside households and outside establishments.

Nursing services are provided for full or partial payment, the amount of which is determined by the decree, with a view to age, health condition, income and property circumstances of the citizen and his family members. The performances of the nursing service, securing indispensable needs for living are provided free of charge.

In terms of housing adjustment, we can state that in the field of social care benefits, there is no direct support to adapting the housing with regard to age, only with regard to health condition. In case that the health condition of a citizen, i.e. also elderly citizen, corresponds to the so called serious defects of skeletal and locomotive system, the **allowance for the adjustment of housing**, where such citizen permanently lives (adjustment of access

to the house, adaptation of the flooring, adjustment of the bathroom and toilet, including equipping by suited sanitary equipment and easily controllable taps etc., are considered as housing adjustment) is provided.

In the case of an elderly seriously disabled citizen, the **allowance for special aids** (for instance, water lift for the bathroom, signaling aids for calling help etc.) can be provided.

In case of a citizen who uses a barrier-free flat, and has a serious defect of skeletal or locomotive system, or is fully or practically blind, **allowance for the reimbursement of a barrier-free housing,** or as the case may be allowance for the reimbursement of the use of a garage, is provided.

Legislation of the aforementioned contributions is embodied in MOLSA Notification No. 182/1991 Coll., Implementing the Social Security Act, in provision of Article 34 and the following provisions.

Question B

If private services exist, please describe the forms of co-operation between public and private services in the area covered by this provision.

MOLSA Notification No. 182/1991 Coll., Implementing the Act on Social Security, also regulates the provision of an allowance to organizations and citizens providing social services. Provision of Article 108 stipulates that the district authority, or as the case may be municipality will provide organizations and citizens, providing social services, with an allowance, in amount agreed in advance, for social services comparable to educational and advisory care, institutional social care, care in other establishments of social care, nursing care, catering and cultural and recreational care, provided by the relevant district authority or municipality, within scope defined by provisions on social security. The district authority or municipality will make a written agreement with the organization or citizen on the provision of social services by organization or by a citizen, and on the allowance for the reimbursement of expenditures incurred for these services. Prior to making the agreement, the district authority or the municipality will verify the qualification eligibility of the persons, who will organize or provide social services, and their civil and moral integrity. The agreement contains, in particular, the kind of provided services and their scope, place of provided services, the amount of the allowance and the manner of its provision.

Article 4, paragraph 3

"With a view to ensuring the effective exercise of the right of elderly persons to social protection, the Parties undertake to adopt or encourage, either directly or in co-operation with public or private organizations, appropriate measures designed in particular:

3. to guarantee to elderly persons living in institutions appropriate support, while respecting their privacy, and participation in decisions concerning living conditions in the institution."

Question A

Please indicate what form of assistance is granted to elderly persons living in institutions.

MOLSA Notification No. 182/1991 Coll., Implementing the Act on Social Security, embodies the legislation relating to old people's homes (provision of Article 72), and old people's homes – boarding houses (provision of Article 73).

Old people's homes are designed, in particular, for elderly citizens who achieved the age for eligibility to old age pension, and who due to permanent changes in their health state ***require a comprehensive care,*** that cannot be provided by their family members nor by nursing services or any other social care services. They are also designed for elderly citizens who indispensably need this placement due to other serious reasons (however, citizens whose health state requires treatment and nursing in bed health care establishment, cannot be accepted). These citizens are provided, in particular, with accommodation, catering, health care, and help during self-attendance. Their integration into the social life of the community is also provided.

Old People's Homes – Boarding Houses are designed for elderly citizens who attained the decisive age for the eligibility to old age pension, and for citizens who are fully disabled and whose overall health state is such, that they ***do not require a comprehensive care,*** on provision they will be provided services necessary with regard to their age or health state. In old people's homes – boarding houses the accommodation and basic care is provided. At the same time, the institution creates conditions for the development of the cultural and social life, and interests of the inhabitants of the institution. According to the possibilities of the institution, and the requirements of the inhabitants of the old people's homes – boarding houses, other paid services can be provided (catering, clothes washing, ironing, shopping and necessary errands, cleaning etc.). The scope of basic care is defined by the provision of Article 12 of MOLSA Notification No. 82/1993 Coll., on Reimbursement for the Stay in Social Care Institutions. Basic care includes, in particular, heating of the housing unit, supply of electrical or other energy, supply of water, use of the lift, services (for instance quarterly cleaning of the housing unit, cleaning, heating and lighting of the common premises, washing and ironing of bed linen), disposal of ash, waste, and the common TV and radio aerial for the housing units.

Question B

Please indicate how the inspection of these institutions on compliance with Article 4, paragraph 3, is carried out.

Currently, only the founder, i.e. the municipality, region or non-governmental non-profit organization can inspect the standard of provided services. More detailed legislative embodiment of the execution of the inspection is currently lacking.

Question C

Please indicate the measures taken to guarantee respect for the privacy of elderly persons in institutions and their participation in decisions concerning living conditions in such institutions.

Currently, the quality of social services is being evaluated in the homes /institutions/ for elderly disabled people and seniors. The evaluation methodology is based, in particular, on comparing the quality of life of a person in an institution, with the quality of life of a person independent to an institution.

The Ministry of Labor and Social Affairs is preparing a document **„The Standards of Social Services Quality“** (hereinafter only as the Standards). This document should determine criteria of what the service should look like, in particular, from the viewpoint of the user. The standards will be published in April 2002. They are mainly based on the fact, that the provision of social services often touches the fundamental human and civil rights of persons, who found themselves in a difficult social situation and therefor use these services.

The last version of the material under preparation embodies in particular the following standards (the standards are specified in more detail within the framework of the document):

- The provider examines and defines the risks associated with the provision of its social service and based upon this, creates such rules for its provision that would effectively prevent the abuse of power or position of an organization or its employees with regard to the service users.
- The organization has a determined procedure, manner and criteria for the admission of users for the services. The service is available to the users from the target group without any discrimination. During the admission procedure the provider acquaints those interested in the service with the criteria for admission, conditions and manner of the service provision and ascertains the prospect user‘s needs.
- The provider with a view to the nature of the service, makes a clear oral or written agreement with the user (or with the custodian, or with the legal representative) on the service provision, which stipulates all significant aspects of the provision/use of the service, including the conditions for the termination of the service. The agreement enables the user to terminate the use of the service.
- Provision of the service is based on the individual needs and wishes of the user, his personal interests and goals, and it is build on his abilities and capacities, and not on this restrictions and deficiencies. The service provider supports by the provision of the services these personal objectives of the users and provides them support to their development. The individual manner of the service provision is outlined in the plan, which is utilized and continuously updated.

- Users or their legal representatives can submit complaints about the service provision without being endangered by doing so. The provider for this purpose has and applies written rules for the handling and recording of complaints. Personnel and users (their legal representatives) are acquainted with them in an appropriate manner.
- The operation of the social service does not negatively reflect in the everyday life of the user, it does not restrict his relationships to close persons nor to persons from the local community – municipality, it does not negatively affect the respect to his person, it does not restrict him to living without the option of having an influence on everyday rhythm of his own life. On the contrary, the services supports a person, who is interested in being able to live similarly as other persons of his age.
- The provider is striving for the users to be able to use the services of usual systems in a maximum degree, and is striving for restricting the unnecessary dependency of the users on the provider's service.
- There are data determined as necessary for the provider in order to provide safe and high quality provision of services. The documentation of records is kept within the determined scope and it is transparent. Handling with personal data is in compliance with the legal standards.
- The provider determines and implements in practice the method of selection of employees. Employees are hired, in compliance with the relevant valid legal standards, and, also, in compliance with the needs of the services users, and with regard to securing the service operation.
- The provider provides information clearly and in an appropriate form on his person, and on his activity, in particular, to the potential users, the expert and laymen public, and to the competent institutions of administration.
- The provider sees to the fact that the services are provided effectively and to a high quality standard, and that the services tend to further improve. Provider engages the service users and own employees in the inspection of the quality and its enhancement.

List of sources to the Article 4:

- *Act No. 2/1993 Coll.,* ***the Charter of Fundamental Rights and Freedoms***
- *Act No. 155/1955 Coll.,* ***on Pension Insurance,*** *as amended*
- *Act No. 100/1988 Coll.,* ***on Social Security,*** *as amended*
- *MOLSA Notification No. 284/1995 Coll.,* ***Implementing the Act on Pension Insurance,*** *as amended*
- *Act No. 482/1991 Coll.,* ***on Social Need,*** *as amended*
- *MOLSA Notification No. 182/1991 Coll.,* ***Implementing the Act on Social Security and the Act of the Czech National Council on the Competencies of the Authorities of the Czech Republic in Social Security,*** *as amended*
- *MOLSA Notification No. 82/1993 Coll.,* ***on Reimbursement for the Stay in Social Care Institutions,*** *as amended*
- *Act No. 114/1988 Coll.,* ***on the Social Security Powers of the Czech Republic Authorities****, as amended.*