

— Czech Republic —

Ratifications

Czech Republic ratified the European Social Charter on 03/11/1999 and has accepted 52 of the Charter's 72 paragraphs.

Czech Republic ratified the 1988 Additional Protocol adding new rights on 17/11/1999 and has accepted all of the 4 articles. Czech Republic ratified the Protocol reforming the supervisory machinery on 17/11/1999, but has not yet ratified the Protocol providing for a system of collective complaints.

Czech Republic has signed but not yet ratified the revised Charter.

1.1	1.2	1.3	1.4	2.1	2.2	2.3	2.4	2.5	3.1	3.2	3.3
4.1	4.2	4.3	4.4	4.5	5	6.1	6.2	6.3	6.4	7.1	7.2
7.3	7.4	7.5	7.6	7.7	7.8	7.9	7.10	8.1	8.2	8.3	8.4
9	10.1	10.2	10.3	10.4	11.1	11.2	11.3	12.1	12.2	12.3	12.4
13.1	13.2	13.3	13.4	14.1	14.2	15.1	15.2	16	17	18.1	18.2
18.3	18.4	19.1	19.2	19.3	19.4	19.5	19.6	19.7	19.8	19.9	19.10
PA1	PA2	PA3	PA4				Grisé = Dispositions acceptées				

Reports

Between 2001 and 2006, Czech Republic submitted 4 reports on the application of the Social Charter. The 4th report, on the non-core provisions of the Charter and Articles 2 and 3 of the 1988 Additional Protocol, was submitted on 27/06/2005. The next report will concern the provisions accepted by Czech Republic, i.e. those related to the theme Employment, Training and Equal opportunities (Articles 1, 9, 10, 15 and 18 of the Charter) and Article 1 of the 1988 Additional Protocol. This report should be submitted before 31/10/2007.

The Charter in domestic law

Dualistic approach. Article 10 of the Constitution: "The ratified and promulgated international treaties on human rights and fundamental freedoms, by which Czech Republic is bound, shall be applicable as directly binding regulations having priority before the law."

The situation of Czech Republic with respect to application of the Charter is the following as of 1st September 2007:

Example of progress achieved following conclusions or decisions of the ECSR¹

Right to work

► Modification of the labour code providing for different types of additional holiday and a reduction of working times for workers in dangerous and unhealthy occupations.

Protection of the family

► Adoption of a legislation on protection from acts of domestic violence (amendments to the penal code which came into effect in 2004).

► Measures taken to strengthen the economic protection of the family: tax allowances concerning married couples (tax reform which came into effect in 2005), increase of the number of persons assisted with the parental allowance for children up to the age of four (reform of the calculation's basis of the allowance).

Protection of children

► Strengthening of the Criminal Code to provide increased protection of young persons aged between 15 and 18 from sexual acts or other defined acts.

Equal opportunities and equal treatment in matter of employment

► Restrictions on the activities prohibited to protect pregnant and nursing mothers (Order no. 261/1997 replaced by Order no. 288/2003, which lists only the activities prohibited to protect mothers).

¹ “1. The European Committee of Social Rights (ECSR) makes a legal assessment of the conformity of national situations with the European Social Charter, the 1988 Additional Protocol and the Revised European Social Charter. 2. It adopts conclusions in the framework of the reporting procedure and decisions under the collective complaints procedure“(Article 2 of the Rules of the ECSR).

Cases of non-compliance

Right to work

▶ *article 1§2 – Freely undertaken work*

Compensation in sex discrimination cases where the victim does not wish to be reinstated is not proportionate with the loss and damage actually sustained.

▶ *article 2§1 – Reasonable daily and weekly working hours*

It has not been established that the right of workers to reasonable daily and weekly working hours are guaranteed by law.

▶ *article 2§5 – Weekly rest period*

Agricultural workers may, pursuant to collective agreement or individual agreement, postpone weekly rest so as to permit an important number of consecutive working days.

▶ *articles 4§3 and article 1 of the 1988 Additional Protocol – Equal opportunities and equal treatment in relation to employment*

Czech legislation does not award victims of sex discrimination sufficient compensation and does not permit pay comparisons to determine equal work or work of equal value beyond a single employer.

▶ *article 4§4 – Reasonable notice of termination of employment*

The two months' period of notice granted to workers with more than fifteen years' service is not reasonable.

▶ *article 4§5 – Limitation of deduction from wages*

After deduction from wages, a worker without dependants and without alimony obligations may be left with less than the statutory minimum subsistence amount.

▶ *article 8§2 – Illegality of dismissal during maternity leave*

Czech national law permits exceptions to the prohibition where the employer relocates all or part of the business.

▶ *article 15§2 – Placement arrangements for the disabled*

There is no anti-discrimination legislation in relation to disability in employment.

▶ *articles 2 and 3 of the 1988 Additional Protocol – Right of workers to be informed and consulted; right of workers to take part in the determination and improvement of the working conditions and working environment*

It has not been established that during the reference period the great majority of workers was granted an effective right to information and consultation and to take part in the determination and improvement of the working conditions and working environment within the undertaking.

Right to safe and healthy working conditions

▶ *article 3§2 – Provision for the enforcement of safety and health regulations by measures of supervision*

It has not been established that inspectors' powers of investigation are sufficient. There is also no information of the number of enterprises and the proportion of workers covered by the labour inspectorate's supervision visits.

Protection of children and young persons

▶ *articles 7§1 and 7§3 – Minimum age of admission to employment and prohibition; Safeguarding the full benefit of compulsory education*

The regulations on the minimum age of admission to employment in force during the reference period did not sufficiently protect children working in employment relationships not governed by the Labour Code.

▶ *articles 17 – Right of mothers and children to social and economic protection*

There is no explicit prohibition in legislation of corporal punishment in the home, in schools and in other institutions.

Right to collective bargaining

▶ *articles 6§4 – Collective actions*

The time that must elapse before mediation attempts are deemed to have failed and strike action can be taken is 30 days.

Right to social security

▶ *articles 12§1 – Existence of a social security system*

The level of the old-age pension and the invalidity pension are consistently lower than the poverty threshold.

▶ *articles 12§4 – Social security of persons moving between states*

Permanent residence, which implies a length of residence requirement of one year, is required for receipt of unemployment benefits and when the claimant is not an employee for maternity benefits in kind and health care. The legislation does not also provide for the aggregation of insurance or employment periods completed by the nationals of States party not covered by Community regulations or bound by an agreement with the Czech Republic.

Right to social and medical assistance

▶ *article 13§1 – Right for every person in need to adequate assistance*

The granting of social assistance to nationals of other parties to the Charter and the Revised Charter is conditional on a continuous presence of 10 years in Czech territory.

The ECSR cannot assess whether the respect of the following rights is ensured:

- ▶ *article 1§1 – Policy of full employment*
- ▶ *article 2§1 – Reasonable daily and weekly working hours*
- ▶ *article 5 – Right to organise*
- ▶ *articles 7§4 – Length of working time*
- ▶ *articles 7§5 – Fair pay*
- ▶ *articles 7§6 – Time spent on vocational training*
- ▶ *articles 7§7 – Paid annual holidays*
- ▶ *articles 11§1 – Removal of the causes of ill-health*
- ▶ *articles 11§3 – Prevention of diseases*
- ▶ *articles 12§3 – Development of the social security system*
- ▶ *articles 13§3 – Prevention, abolition and alleviation of need*
- ▶ *articles 14§1 – Provision or promotion of social welfare services*
- ▶ *articles 14§2 – Public participation in the establishment and maintenance of social welfare services*
- ▶ *article 16 – Right of the family to social, legal and economic protection*
- ▶ *article 4 of the 1988 Additional Protocol – Right of elderly persons to social protection.*