



International
Labour
Office



THE STATE OF APPLICATION OF THE PROVISIONS
FOR SOCIAL SECURITY OF THE INTERNATIONAL
TREATIES ON SOCIAL RIGHTS RATIFIED BY

Czech Republic

ILO
TECHNICAL
NOTE

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The information and data contained in the Technical Note is taken from the Government reports, on-line databases of the National Statistical office, official web-sites of the government departments, MISSCEO, MISSOC, SSI, ILOSTAT and EUROSTAT.

List of international abbreviations:

CAS	Committee on the Application of Standards, International Labour Conference
CEACR	Committee of Experts on the Application of Conventions and Recommendations
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CESCR	Committee on Economic, Social and Cultural Rights
COE	Council of Europe
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
ECSR	European Committee of Social Rights
ECSS	European Code of Social Security
ESC	European Social Charter
EU	European Union
EUROSTAT	Statistical Office of the European Union
GC	Governmental Committee of the European Social Charter and European Code of Social Security
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILS	International Labour Standards
IMF	International Monetary Fund
MISSEO	Mutual Information System on Social Protection of the Council of Europe
MISSOC	Mutual Information System on Social Protection
OECD	Organisation for Economic Co-operation and Development
SSI	Social Security Inquiry

National abbreviations:

SLIO	State Labour Inspection Office
CM KOS	Czech–Moravian Confederation of Trade Unions

*CHAPTER I. Adequacy of social security
benefits: income and poverty indicators and
standards*

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Country profile by Eurostat indicators, National indicators and ILO minimum standards

<u>Eurostat</u>	EU-Avg 2013	2005	2012	2013	2014
At-risk-of-poverty threshold (40%, single person)	€ 462.3	€ 141.1	€ 259.8	€ 256.4	€ 254.1
At-risk-of-poverty threshold (50%, single person)	€ 577.8	€ 176.3	€ 324.7	€ 320.6	€ 317.6
At-risk-of-poverty rate - 50%, before social transfers	19.5%	15.7%	11.3%	10.5%	11.6%
At-risk-of-poverty rate - 50%, after social transfers	10.2%	5.5%	5.1%	4.3%	5.2%
At-risk-of-poverty rate for children under 18 y.o. - 50% thrd	12.4%	9.4%	7.9%	6.3%	8.7%
In-work poverty rate - 50% threshold	5.2%	1.2%	2.0%	1.5%	1.5%
At-risk-of-poverty rate for pensioners - 50% threshold	6.0%	1.8%	1.7%	1.8%	2.0%
Aggregate replacement ratio	55%	51%	55%	56%	55%
Severe material deprivation (% of total population)	9.6%	11.8%	6.6%	6.6%	6.7%
Persistent at-risk-of-poverty rate - 50% threshold	5.2%	-	1.6%	2.0%	-
Social protection expenditure as % of GDP	25.0%	18.4%	20.8%	-	-
Gini coefficient before social transfers	36.1%	32.5%	29.1%	28.8%	29.6%
Gini coefficient after social transfers	30.5%	26.0%	24.9%	24.6%	25.1%

<u>National indicators</u>	CZK amount	EUR amount*	
Subsistence minimum	CZK 2200	€ 87.5	2013, Act No. 110/2006 Coll.,
Living minimum	CZK 3410	€ 135.6	2013, Act No. 110/2006 Coll.
Minimum wage	CZK 8500	€ 309.9	2013, Eurostat
Average wage	CZK 25125	€ 967.1	2013, Czech Statistical Office
Average old-age pension	CZK 10957	€ 421.8	2013, Czech Social Security Administration

*ECB 2014 Avg exchange rate CZK/EUR =27.536

<u>Government Report under the ECSS submitted in 2015</u>				
Reference wage (skilled worker)	Gross amount: CZK 25241	CZK 21696 - € 787.9		
	Gross amount: CZK 25241	CZK 19462 - € 706.8	Used for Part V, VIII	
Reference wage (unskilled worker)	No gross amount	CZK 18647 - € 677.2		
Social Security branch	Standard beneficiary	St benefit amount in CZK and EUR	Total benefit in CZK and EUR	Net RR
Part III Sickness benefit	Art. 65-6b, +family benefit	CZK 13470 - € 489.2	CZK 14690 - € 533.5	64.1%
Part IV Unemployment benefit	Art. 65-6b	CZK 11934 - € 433.4	CZK 11934 - € 433.4	55.0%
Part V Old-age benefit	Art. 65-6b	CZK 9253 - € 336.0	CZK 9253 - € 336.0	47.5%
Part VI Employment injury benefit	Not ratified	-	-	-
Part VII Family benefit	Art. 66, child of 6 to 15 y.o.	CZK 610 - € 22.2	CZK 610 - € 22.2	NA
Part VIII Maternity benefit	Art. 65-6b	CZK 17430 - € 633.0	CZK 17430 - € 633.0	89.6%
Part IX Invalidity benefit	Art. 65-6b, +family benefit	CZK 9253 - € 336.0	CZK 10473 - € 380.3	45.7%
Part X Survivor's benefit	Art. 65-6b	CZK 16111 - € 585.1	CZK 17331- € 629.4	75.6%

Fig. 1. Income and poverty - single person, 2014

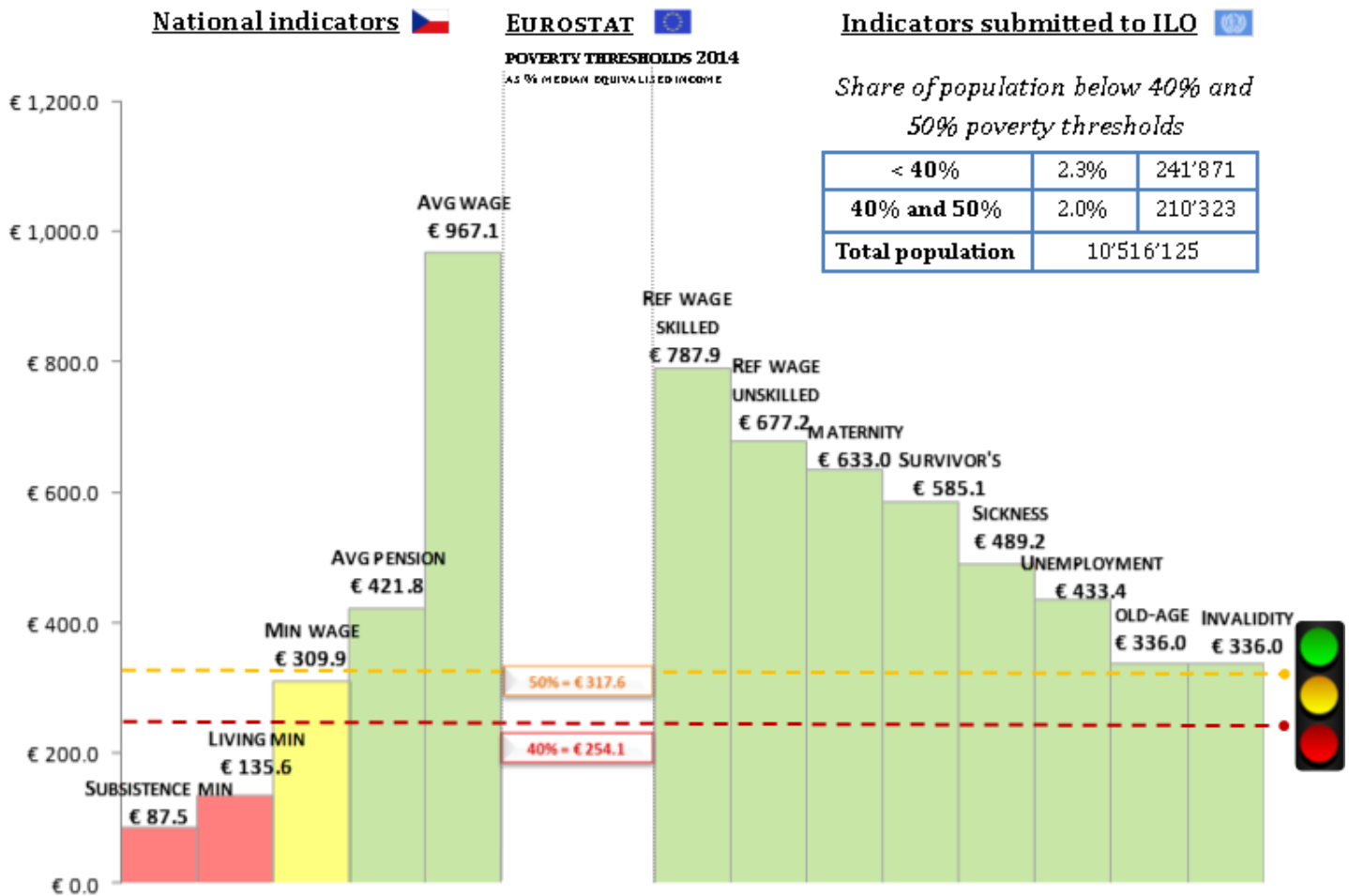
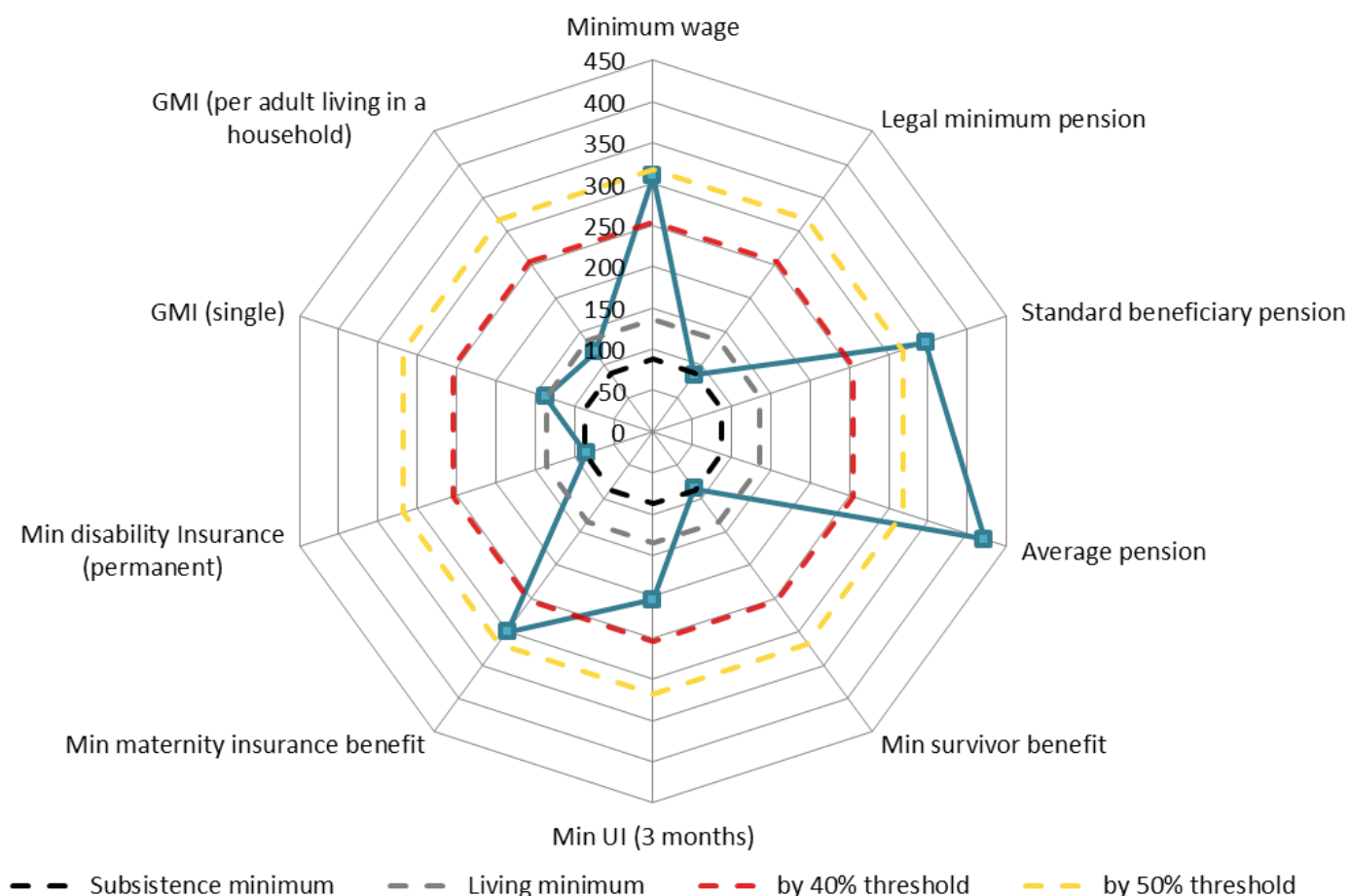


Fig. 2. Structure of population in poverty (Eurostat poverty thresholds of 60%) by the most frequent employment status, 2013

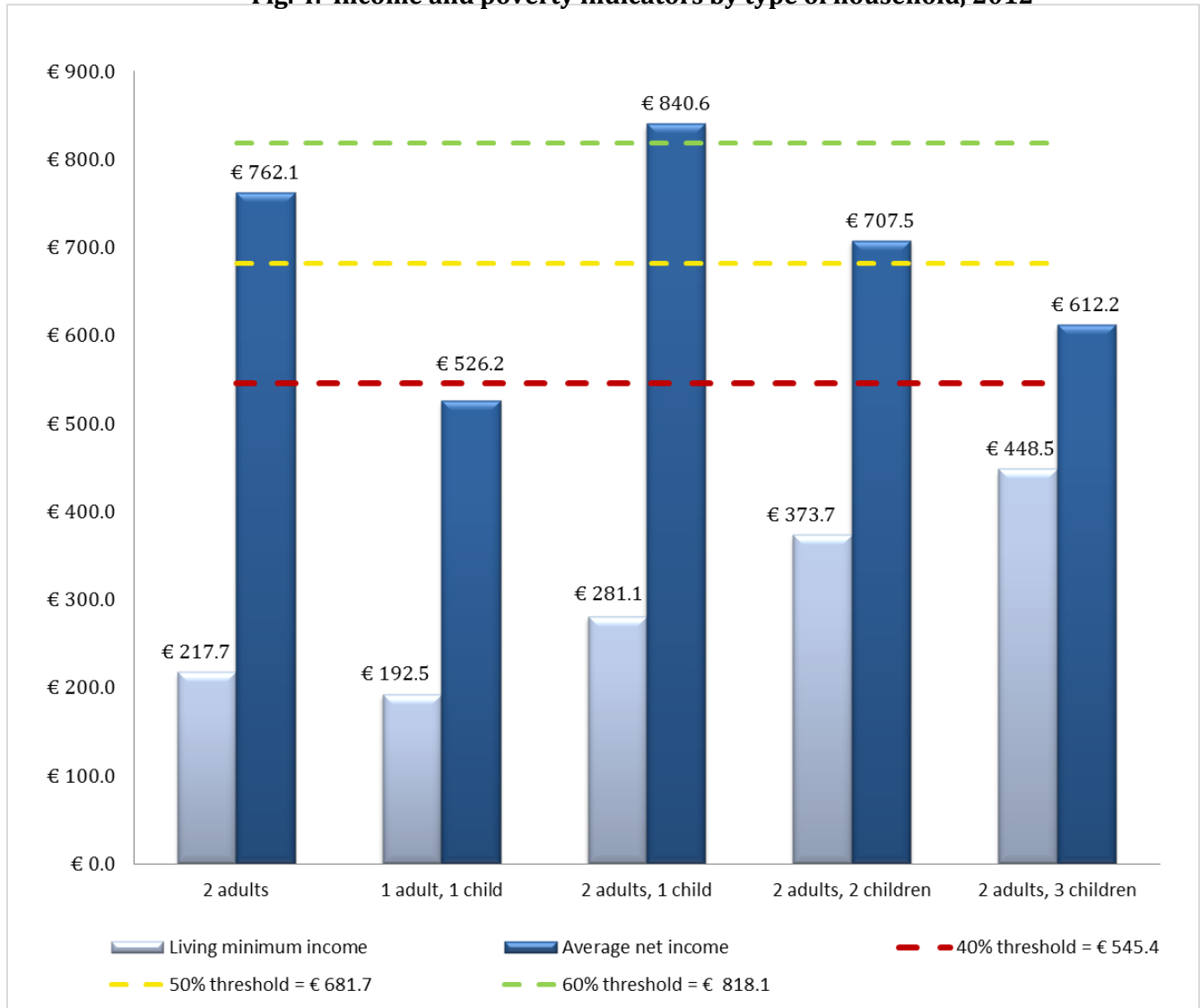


Fig. 3. Social benefits in comparison to Eurostat 40% and 50% poverty thresholds and national social protection floor, 2014



Benefits/payments	Amount per month	Sources
Minimum wage	€ 309.9	Eurostat, 2014
Legal minimum pension	€ 85.0	MISSOC, 2014
Standard beneficiary pension	€ 347.0	Pension for average case worker, Government Report 2014
Survivor benefit	€ 85.0	MISSOC, 2014
Unemployment insurance benefit (UI - 3 months)	€ 204.0	MISSOC, 2014
Maternity insurance benefit	€ 300.2	MISSOC, 2014
Disability Insurance (permanent)	€ 85.0	MISSOC, 2014
GMI (single)	€ 136.4	MISSOC, 2014
GMI (per adult living in a household)	€ 119.4	MISSOC, 2014
Living minimum	€ 135.6	Government Report, 2014
Subsistence minimum	€ 87.5	Government Report, 2014

Fig. 4. Income and poverty indicators by type of household, 2012



(at-risk-of-poverty thresholds for the household with 2 adults and 2 children)

Household composition	Living minimum income	Average net income	At risk of poverty rate (60% threshold)*
2 adults	€ 217.7	€ 762.1	5.0 %
1 adult, 1 child	€ 192.5	€ 526.2	31.3 %
2 adults, 1 child	€ 281.1	€ 840.6	6.8 %
2 adults, 2 children	€ 373.7	€ 707.5	8.9 %
2 adults, 3 children	€ 448.5	€ 612.2	22.4 %

*Share of households below the poverty threshold (60% threshold) as % of total number of households

Fig. 5. Comparison of monthly wages and pensions (40% replacement rate) to the Eurostat thresholds in 2013-2014, by decile

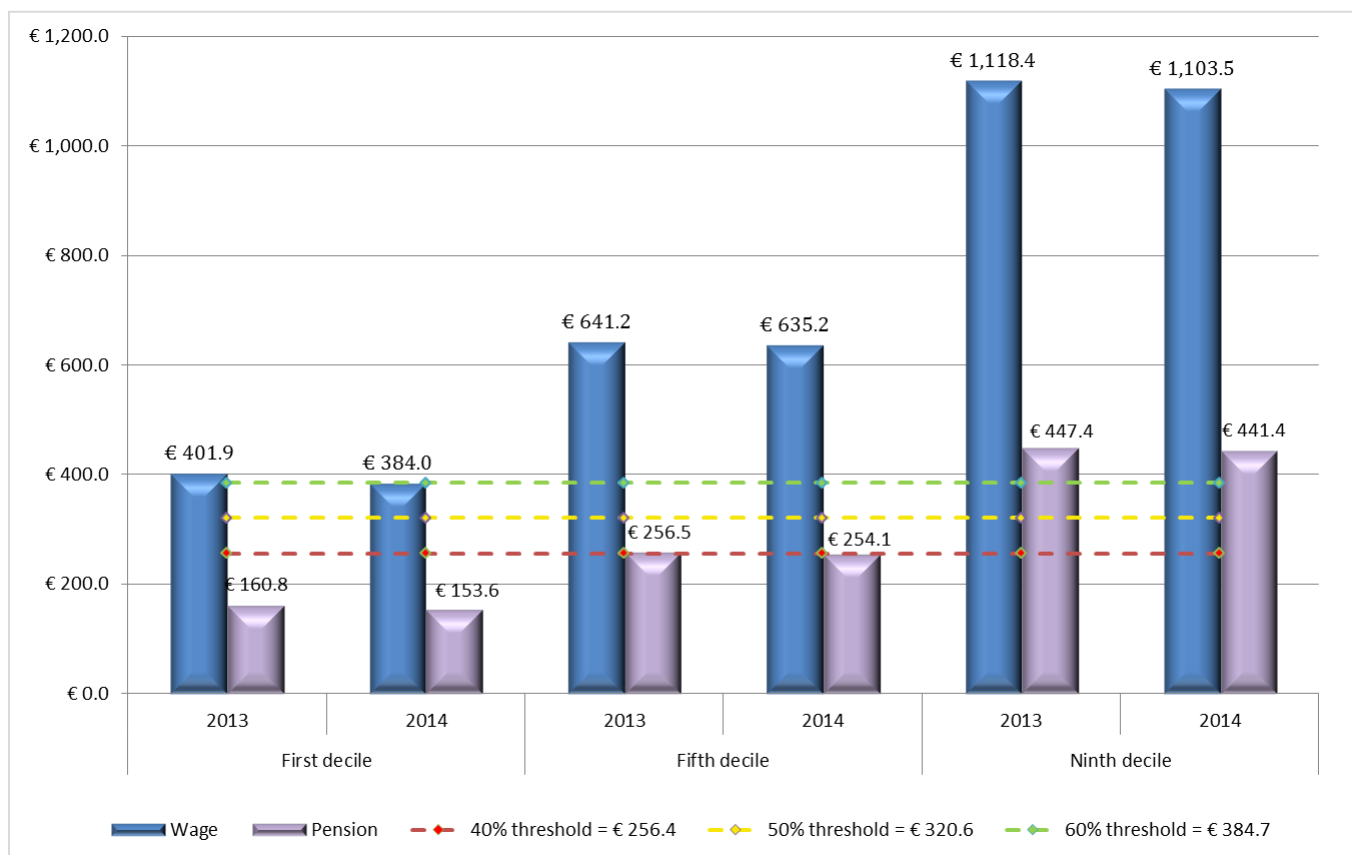


Fig. 6. Test on precarious employment: share of employed population by different job security situation, as % of total employment, 2012

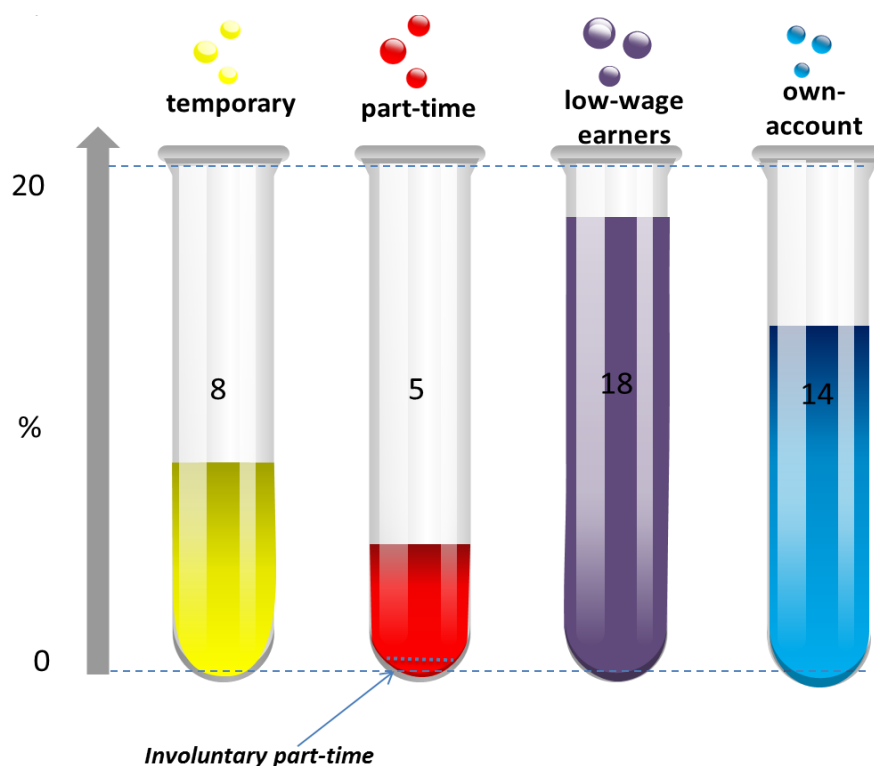
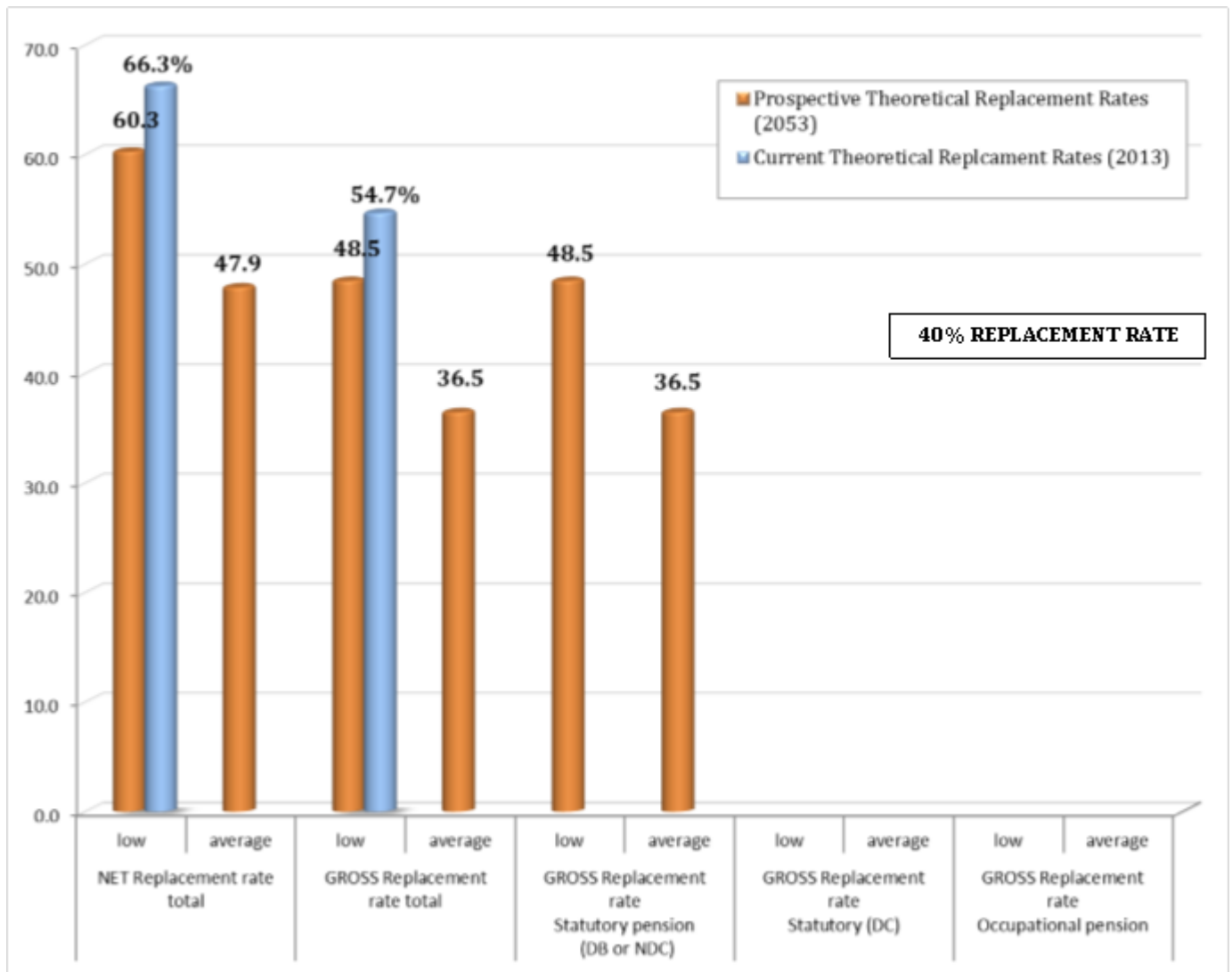


Fig. 7. Theoretical Replacement Rates for low and average wage earners, retiring in 2053 at statutory pension age (67) with 30 years of contributions between 2013 and 2053



**Male, 20 years work from age 25 - career break until 10 years prior to SPA - 10 years work.
10 years of career break in the middle of the career**

	NET Replacement rate total		GROSS Replacement rate total		GROSS Replacement rate Statutory pension (DB or NDC)		GROSS Replacement rate Statutory (DC)		GROSS Replacement rate Occupational pension	
	low	average	low	average	low	average	low	average	low	average
2053	60.3%	47.9%	48.5%	36.5%	48.5%	36.5%	-	-	-	-
2013	66.3%	-	54.7%	-	-	-	-	-	-	-

Source: The 2015 Pension Adequacy Report: current and future income adequacy in old age in the EU, Volume I

Social security and reduction of poverty.

Extracts from the 2014 Government report on the European Code of Social Security.

The Committee would like the Government to explain the reasons why over 1 million people in the country had in 2012 income below the poverty line. Please indicate also the measures taken or contemplated to raise the level of social assistance to the one-person households without earned income and unemployment benefit.

Answer of the Government of the Czech Republic:

In the worldwide long-term comparison, the rate of income poverty risk in the Czech Republic belongs among the lowest, apart from other things, also due to the influence of effective social transfers. It should be emphasized that the said one million people amounts to less than 10 % of the population.

The total poverty rate in the Czech Republic has significantly been influenced by social transfers. Without pensions and other social transfers, 38.1% people would be lived below the poverty line in 2012. Social transfers, including pensions, decreased the poverty rate by 28.5 percentage points. This rate dropped to 17.6 % after the payment of pensions and after other social transfers inclusion was reduced to the final 9.6 %. The fact that since the beginning of the economic crisis in 2008 the rate has not change can also be considered as very positive. According to the latest comparable Eurostat data, the share of social protection expenses in GDP in the Czech Republic is in comparison with other countries low (in 2011, the rate in the Czech Republic was 20.4 %; the average for the EU28 amounted to 29 %), which demonstrates the effectiveness of the social system in the country.

Examples of the families mentioned in the previous report were chosen for better illustration of the types and amount of social benefits which can be drawn when meeting statutory conditions. It is not a representative selection. The real structure of families / households in the Czech Republic is different. For example, families with dependent children (32.5 % of all households) were not represented in above mentioned illustrative overview.

One of the reasons why the existing social benefits cannot elevate the entire population above the poverty line is so called „non take-up“. The fact that a certain segment of the population does not draw social benefits can be caused by a personal decision not to apply for social benefits, due to the low financial literacy, poor knowledge of the social protection system and its functioning, due to the life on the edge accepted voluntarily or forcibly or due to extreme social exclusion. Probably more common is the situation when the person does not meet the conditions for entitlement to benefits, either administrative (such as a condition for a permanent residence for housing benefit) or activating (when assessing the entitlement to ongoing benefits in material need, an applicant's effort to solve his/her situation by her/himself and by own means is considered, such as income increasing by his/her own effort, by the proper assertion of claims and debts, sale or other profit of assets; a person "able to work" is required to work or to be registered as a job seeker at the Employment Office or pays effort to find work by himself/herself). People who do not fulfil legal conditions are not entitled to draw benefits. Eventual increase of the amounts of benefits or the determination of more open income criteria would not change or solve this situation.

The current Government will focus primarily on the area of social work that can help individuals and households to solve their special needs and problems, including those

listed in the previous paragraph. Adoption of measures aimed at greater professionalization of social work has been planned. The Government also intends to support and increase the performance in field of social work of municipalities. The measures have been a part of the strategic documents such as the National Reform Programme and Strategy for Social Inclusion, which emphasizes social work as a basic tool.

Extracts from the 2015 Government report of the Czech Republic on the European Code of Social Security

Part VII – Social security and reduction of poverty

The Committee would like the Government to indicate whether the Czech Republic has established any national target for reducing poverty among these and others categories of the population and whether any supplementary resources are going to be allocated for their achievement.

The Committee would also therefore like to examine the legal conditions of entitlement to benefits under each accepted Part of the Code from the point of view of facilitating access to the minimum benefits guaranteed by the Code.

From the prevention of social exclusion and poverty reduction viewpoint, social assistance benefits play a greater role than family benefits, (i.e. benefits which are not covered by the Code). The conclusions of the Committee in assessing the (high) number of people living in poverty criticise the method of determining the terms of entitlement to social benefits, which (according to the Committee's opinion), prevent a considerable number of potential entitlement to benefit, in particular the conditions for entitlement to benefits with motivation and activation features (evaluation of effort to resolve the situation on their own, and their own means, working activity, keeping in the register of job seekers). However, such terms apply only to benefits in material need. As described in the reports on the application of Part VII of the Code, when considering the entitlement to family benefits, the effort to increase the income through own actions is not assessed. A review, by extension, to soften the requirements for entitlement to family benefits is not currently considered.

Another reason why existing social benefits cannot left all of the population above the poverty threshold, i.e. decision not to ask for social benefit due to personal reasons, low financial literacy, poor knowledge of the social protection system and its operation, voluntary (or forced by circumstances) choice of life on the edge of society or extreme social exclusion do not represent a widespread phenomenon in the Czech Republic. Social work, social counselling and social educations have a positive impact in this field. For the vast majority of people who do not receive a pension, the main reason is not inability or unwillingness to submit an application for a pension, but lack of set insurance period.

It is not possible to agree with the statement that more than 1 million people still live in poverty and the poverty rate stood at 10 % in the Czech Republic. Following data demonstrate significant progress achieved in reducing poverty and social exclusion in the last two years. At-risk-poverty rate, in the long term the lowest in the EU, due to effective social transfers between 2012 and 2013 fell from 9.6 % to 8.6 % among others, By income poverty 886,000 persons were threatened in 2013 (which is 104 000 less than in 2012) in the Czech Republic. This indicator proves that the result in the Czech Republic is the best within the EU member states (EU 28 average in 2013, according to Eurostat's estimate, amounted to 16.7 %). The highest at-risk-poverty rate was registered in case of unemployed persons (44.5 %) and in incomplete families (27.8 %) in 2013. If less than 9

% of the population is registered below the income poverty line, despite the fact it amounts to 900 thousand people, it is a positive result. The poverty threshold is calculated as 60 % of the national equalised median of disposable income per consumption unit (after social transfers). When any quantity as the median or average is determined, always some value, from which it was calculated, appears beneath and the other above it.

The positive results achieved in the fight against poverty and social exclusion shows National Reform Programme of the Czech Republic 2015. To measure the achievement of objectives in the fight against poverty and social exclusion in the EU, a comprehensive internationally comparable indicator has been set. The indicator shows the number and proportion of people at risk of poverty or social excluding in population. In addition, except the at-risk-poverty indicator, it includes also material deprivation rate and work intensity rate. Material deprivation rate (the proportion of people who suffer from certain material shortage ie. they can not afford certain things, services or benefits) remained roughly at the same level as in 2012, i. e. 6.6 %. The rate of work intensity (the share of persons aged 0-59 years living in and worked fewer than 20 % of working time) increased slightly from 6.8 % to 6.9 % in 2013 in comparison with 2012. Decrease of risk of income poverty and material deprivation and the level of work intensity led to an overall indicator decline in risk of poverty and social exclusion in 2013 compared to 2008 by 0.7 p.p. to 14.6 %, which means 1,508 thousand people.

The Czech Republic also has positive results as part of this comprehensive indicator; a proportion of vulnerable people in the Czech Republic is the lowest of all the EU countries. According to Eurostat estimates, the average of EU-28 amounted to 24.5 %. By the national objective of the Strategy Europe 2020, a reduction in the number of people at risk of poverty and social exclusion by 30,000 people (compared with 2008) was already met by the Czech Republic. A decrease in the number of vulnerable people by 58 000 was achieved between 2008 and 2013. In the context of the positive developments in the field of poverty and social exclusion, the Czech Republic establishes a new and more ambitious target to reduce the number of people at risk of poverty and social exclusion by the year 2020 by 100,000 persons (in comparison with year 2008).

The Czech Republic has set a national target for the reduction of poverty and social exclusion: *"Keeping the number of people at risk of poverty, material deprivation, or living in jobless households in 2020 compared to 2008"*. The Czech Republic is currently developing its effort to reduce the number of people at-risk-poverty, material deprivation, or living in jobless households by 30,000 people.

It was decided to adopt a more ambitious goal to meet the national target in mid-term review as well as develop efforts to reduce the number of people at-risk-poverty, material deprivation, or living in jobless households by 100,000 people. The national objective of poverty reduction for each category of the population has not been set.

Article 71(2) of the Code – specification of the results achieved by the National Reform Programme and Strategy for Social Inclusion in terms of facilitating the take-up of benefits and reducing poverty.

The Committee notes that the subsistence minimum is set at the level three times lower than the at-risk-poverty threshold calculated at 40 per cent of the equalised median income and the living minimum – nearly two times lower.

The Committee would like to explain the design of the system of minimum income and benefits assess the effectiveness of the minimum guarantees in fighting poverty and compare them to various European income and poverty indicators; to refer to the attached infographs prepared by the Office and update the statistical and legal information on which

they are based; indicate also the measures taken or contemplated to raise to the at-risk-poverty threshold the level of social assistance to one-person household without earned income and unemployment benefit.

Based on current political, economic and social context the subsistence and living minimum level is kept at the set amount mainly on the grounds that it should be more profitable to work than just rely on social benefits. According to the indexation conditions specified in the Subsistence and Living (Existence) Minimum Act, the Government can increase the amount of subsistence and living (existence) minimum if the prices of food and other necessities increase in the relevant period (from October 2011 to September 2015) by at least 5%. The relevant index of customer prices passed by Czech Statistical Office will show if the condition for indexation was fulfilled and whether the Government will decide on indexation.

Exemption of housing costs from living (existence) and subsistence minimum has also proved as effective and allowed to react at a different price movement of food and other goods and services for personal consumption on the one hand and the cost of housing, where there are a number of specific factors on the other side.

In the area of social work following activities were realised:

The Methodology for integration of social work with material need beneficiaries

A certified Methodology for integration of social work with beneficiaries of material need was created (the "Methodology") focused on cooperation between -branches of the Labour Office of the Czech Republic (hereinafter "LOCR") and the municipalities in the field of social work activities. The methodology is accessible at the Ministry of Labour and Social Affairs

websites:link:https://sps.mpsv.cz/sluzby/DocBaze/Pracovnazalezitosti/Metodiky%20certifikované%20MPSV/Metodika%20integrace%20sociální%20práce%20a%20poskytování%20DPvHN_FINAL%20certifikovaná.pdf

The Implementation of the project "The System support of professional social work" (since February 2014)

The project is aimed at strengthening the competencies and ensuring of adequate support to existing social workers, deepening and improving their skills.

More information is available at the websites: <http://www.mpsv.cz/cs/17865>.

Expected laws:

Bill of Social Workers Act (professional law)

- Social Workers Act will apply to all social workers. The main areas of law are to be as follows:
- Prerequisites and conditions for the profession.
- Professional status and professional growth.
- Professional chamber as an autonomous body established by law.

The Concept of Permeable system of social and vocational rehabilitation

Ministry of Labour and Social Affairs began work on the setting of transparent system of social and vocational rehabilitation in 2014. The concept aims to promote employment of people with disabilities through more efficient communication between workers of social therapy workshops, rehabilitation of social workers, the LOCR employees and employers at the regional level. The proposed approach aims to ensure permeable system in which a client is motivated and supported when searching for an employment.

CHAPTER II. Selection of the Article 65, 66 or 67 under C102/ECSS and determination of the Standard Reference Wage used for calculating the replacement level of benefits

- [Fig. 1. Article 65: Type of social security schemes and method of benefit calculation](#)
- [Fig. 2. Article 66: Type of social security schemes and method of benefit calculation](#)
- [Fig. 3. Article 67: Type of social security schemes and method of benefit calculation](#)
- [Extracts from the Government Reports \(2013-2015\) on the ECSS concerning the Reference Wage](#)
- [Table 1. Calculation of the reference wage under all options permitted by Articles 65-66 of the ECSS/C102](#)
- [Fig. 4. Comparison of the reported reference wages to other wage indicators in the Czech Republic, 2010, euros](#)

Fig. 1. Article 65: Type of social security schemes and method of benefit calculation

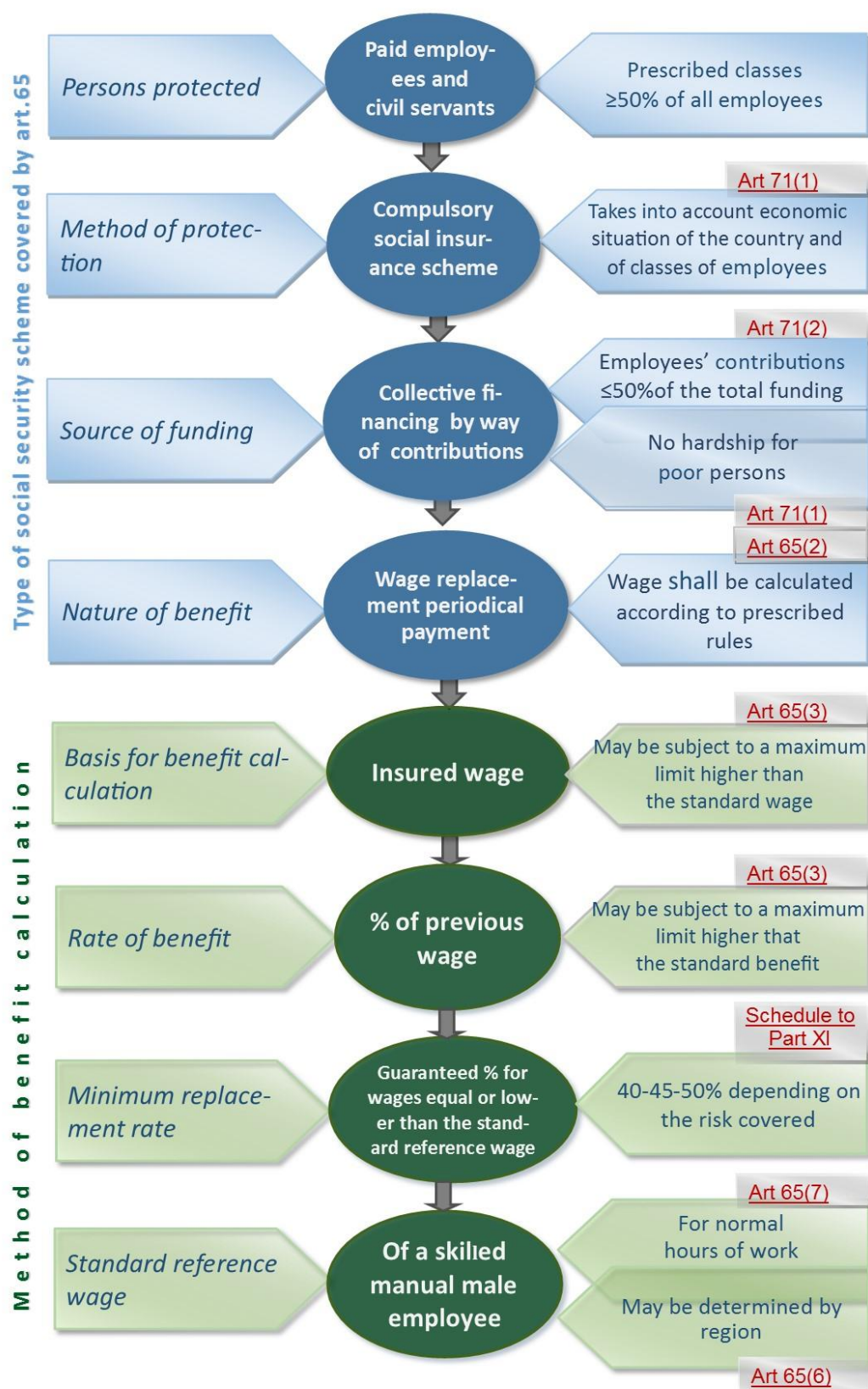


Fig. 2. Article 66: Type of social security schemes and method of benefit calculation

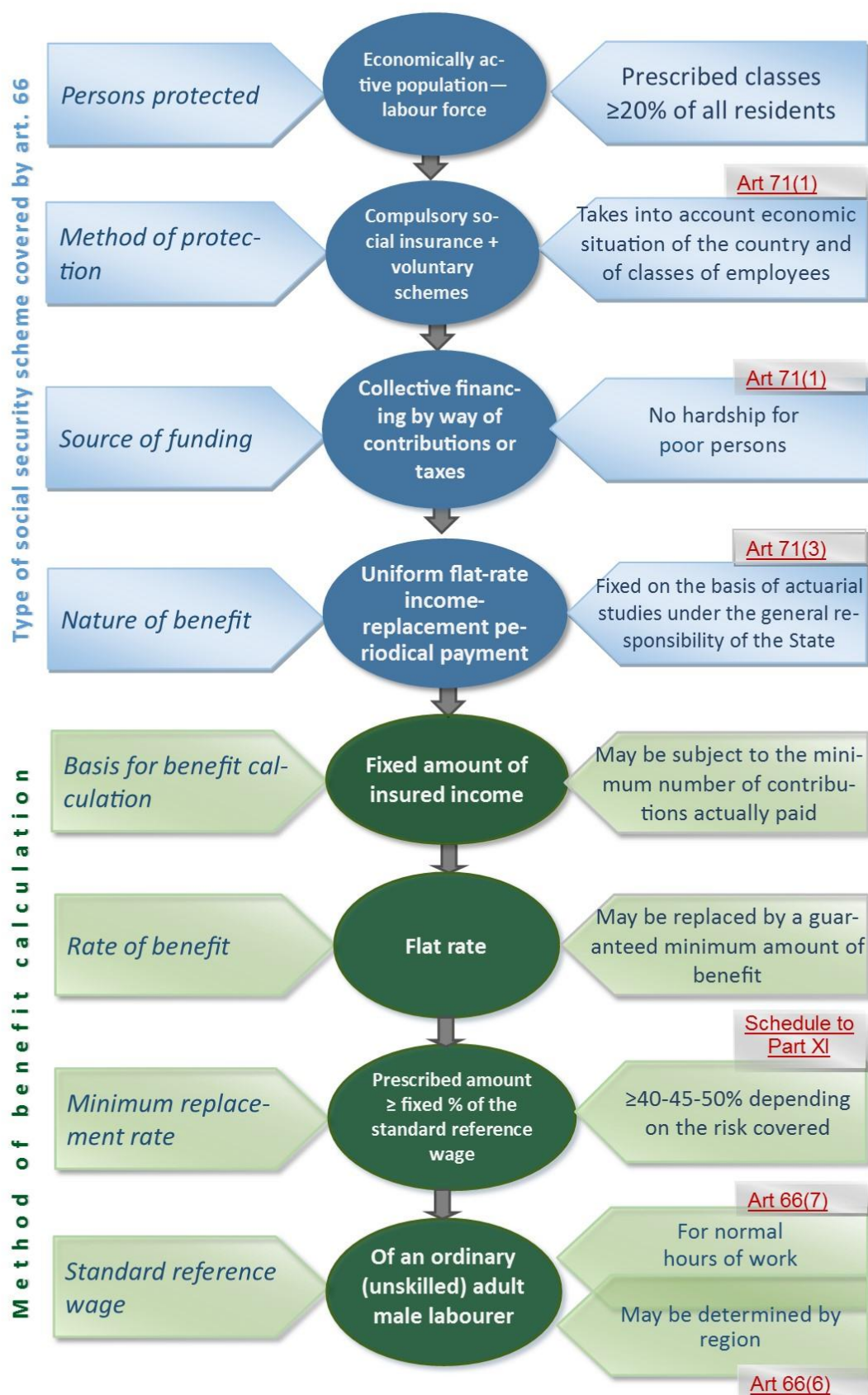
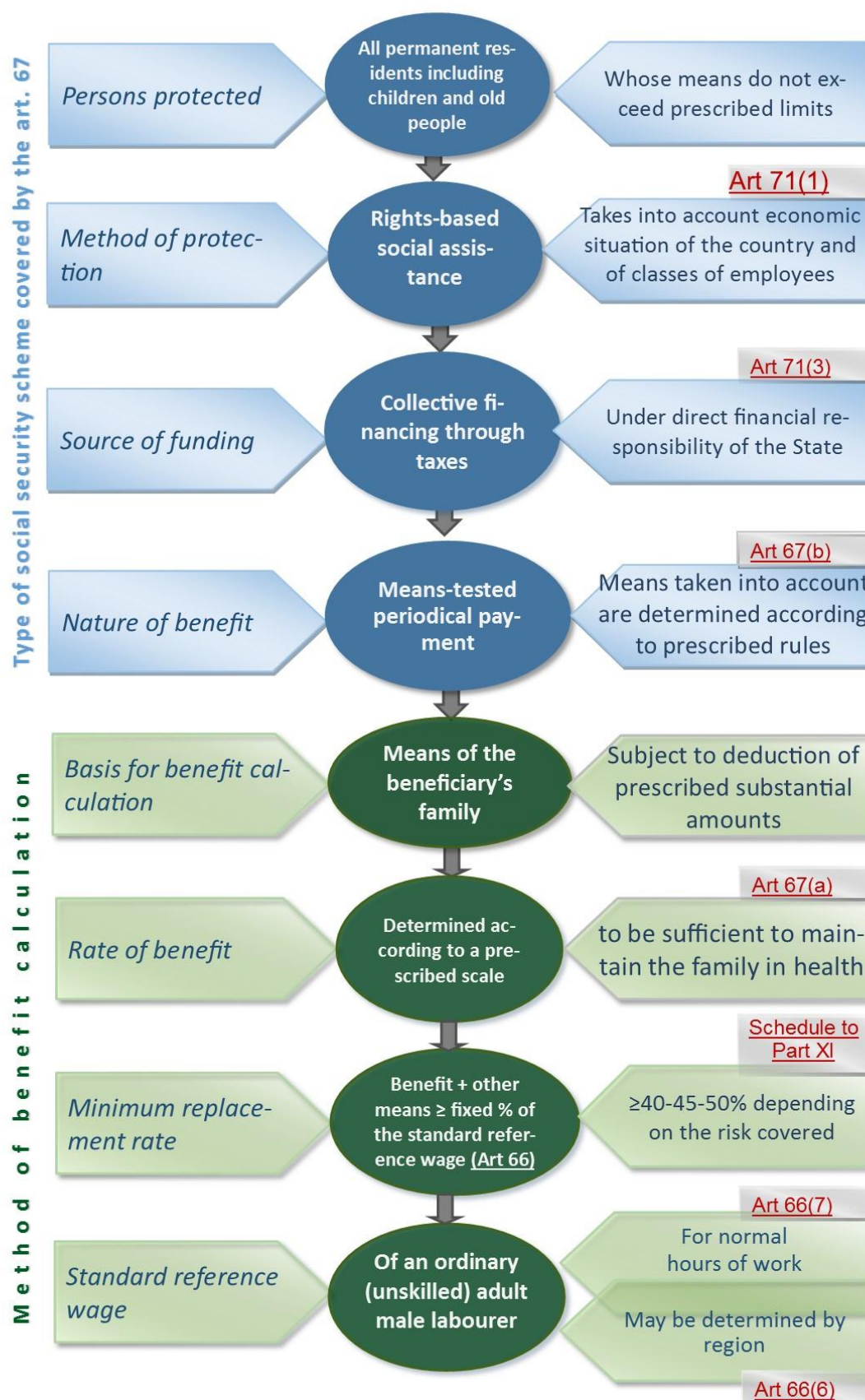


Fig. 3. Article 67: Type of social security schemes and method of benefit calculation



Extracts from the Government Reports (2013-2015) on the ECSS concerning the Reference Wage

Report of Czech Republic under Article 74 of the European Code of Social Security and its Protocol (1 July 2014 - 30 June 2015)

Part XI (Standard to be complied with periodical payments). Reference wage. The Committee would like the Government to review and update the statistics used in the attached Technical note prepared by the Office, which sets out and calculates all the options allowed by the Code effort determining the reference wage for calculating the replacement level of benefits on the same basis which comparable data are available (2010).

The Czech Republic paid attention to data in Technical note. Given the fact, that comprehensive data mentioned in the Technical note has not been changed or actual data for 2014 will be available in the second half of this year, the Czech Republic will update current data in a detailed report next year.

Report of Czech Republic under Article 74 of the European Code of Social Security and its Protocol (1 July 2013 - 30 June 2014), p.3-4

General notes on benefit calculation:

In 2013, the average gross monthly wage **of a qualified blue-collar worker was CZK 24, 359** and according to the survey results approximately 51 % of the economically active people earned a lower wage than the stated amount. A qualified worker's wage corresponds to the wage of a metal turner – a machine tool setter and operator – according to CZ-ISCO 72231. In 2013, the average gross monthly wage of **a non-qualified blue-collar worker was CZK 18,165** [according to CZ-ISCO 93291 – a mechanical handling worker in industry (manufacturing)].

Information system on the average earnings is a selective statistical survey by the Ministry of Labour and Social Affairs, which is annually included as a part of the statistical research program of the Czech Statistical Office and, as a wage search with regular periodicity, it monitors the wage levels of individual professions in the Czech Republic, based on the CZ-ISCO Job Classification. The data on the average hourly wage of individual employees of selected economic entities are calculated as remuneration for labour-law-related purposes, pursuant to Section 351 of Act N. 262/2006 Coll., the Labour Code.

The survey also allows monitoring of the amount and structure of the monthly gross wage which indicates the average salary level for the period from the beginning of the year to the end of the current period.

As the social security benefits in the Czech Republic are not subject to taxation (with the exception of pensions that exceed CZK 306,000 per year which are included in taxable income), and they are not subject to health insurance and social security contributions either, it is possible to calculate the ratio of the benefits to net wages. For pensions and sickness, the amount of the annual financial statement the tax credit of the spouse with yearly income up to CZK 68,000 is not taken into account. The net wage of a qualified blue-collar worker was CZK 18,855 and the net wage of a qualified blue-collar worker with two children was CZK 21,089.

The calculated income tax has been reduced by tax credits at the amount of CZK 2,070 for the taxpayer and tax credits of 2 x CZK 1,117 for the two nourished children.

The allowance for two children aged 6 to 15 amounts to CZK 1,220 (610 x 2).

The benefits do not vary from region to region (paragraph 8 of Article 65 is not applied)

Table 1. Calculation of the reference wage under all options permitted by articles 65-66 of the ECSS/C102

Articles in the ECSS/C.102		Comments	Reference wage: amount	
			ILO calculations 1-2010	Government ²
Article 65 (para 6): a skilled manual male employee				
Option 1	Art.65 (6)a: a fitter or turner in the manufacture of machinery other than electrical machinery	occupations of fitter and turner can be found among skilled employees of ISCO 08 ³ (group 7)	N/A	Parts III, IV, V, IX, X, VII: In 2013, the average gross monthly wage of a qualified blue-collar worker was <u>CZK24,359</u> ⁴ (according to the Job Specification CZ-ISCO 72231 – <u>metal turner</u> – a machine tool setter and operator);in 2012 - CZK24,223; in 2010 - CZK24,146 CZK24,146 (2010) ⁵ = apx. 938 euros (ex.rate 2010) 2015: The calculation is based on the average gross monthly wage of a qualified blue-collar worker (based on Job Specification CZ-ISCO 72231– metal turner – a machine tool setter and operator) in 2014, i.e. CZK 25,241.
Option 2	Art.65 (6)b: a person deemed typical of skilled labour	a skilled employee of the ISIC rev.4 ⁶ group with the highest number of male employees: typical skilled male worker in manufacturing	810 euros ⁷	
Option 3	Art.65 (6)c: a person whose earnings are equal to 125 per cent of the average earnings of all the persons protected	in countries where all employees are protected average wage is normally used in the economy	1115 euros ⁸ (full-time and part-time employees)	
Article 66 (para 4): an ordinary male labourer				
Option 4	Art.66 (4)a: a person deemed typical of unskilled labour in the manufacture of machinery other than electrical machinery	an employee of the ISIC rev.4 Manufacture of machinery (2-digit level of the classification: ISIC Rev.4 Section C. Manufacturing, code 28)	N/A	
Option 5	Art.66 (4)b: a person deemed typical of unskilled labour	an unskilled employee of the ISIC rev.4 group with the highest number of male employees: typical unskilled male worker in manufacturing	626 euros ⁹	Parts VII: CZK 17,491 (2010) ¹⁰ = apx. 680.8 euros (ex.rate 2010) CZK 17660 (2012) ¹¹ =apx. 679.8 euros (ex.rate 2012) CZK 18,165 (2013) ¹² = apx. 681.9 euros (ex.rate 2013) a non-qualified blue-collar worker [according to CZ-ISCO 93291 – a mechanical handling worker in industry (manufacturing)]

* Gross wages are used unless stated otherwise

¹ ILO calculations based on EUROSTAT data from Labour Force Survey LFS-2013 and SES-2010 (see detailed information further)

² Reference wage reported by the Government under ECSS and C.102

³ ISCO 08 – International Standard Classification of Occupations 2008 (detailed explanation to follow)
<http://www.ilo.org/public/english/bureau/stat/isco/isco08/>

⁴ Report of Czech Republic under Article 74 of the European Code of Social Security and its Protocol (1 July 2013-30 June 2014), p.3-4

⁵ Report of Czech Republic under Article 74 of the European Code of Social Security and its Protocol (1 July 2010-30 June 2011), p.4, 13, 24

⁶ ISIC rev.4 - International Standard Industrial Classification of All Economic Activities, Rev.4, 2008

<http://unstats.un.org/unsd/cr/registry/isc-4.asp>

⁷ Structure of earnings survey (SES) – Eurostat, 2010 http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn_ses10_48&lang=en

⁸ Structure of earnings survey – Eurostat, 2010 http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn_ses_monthly&lang=en

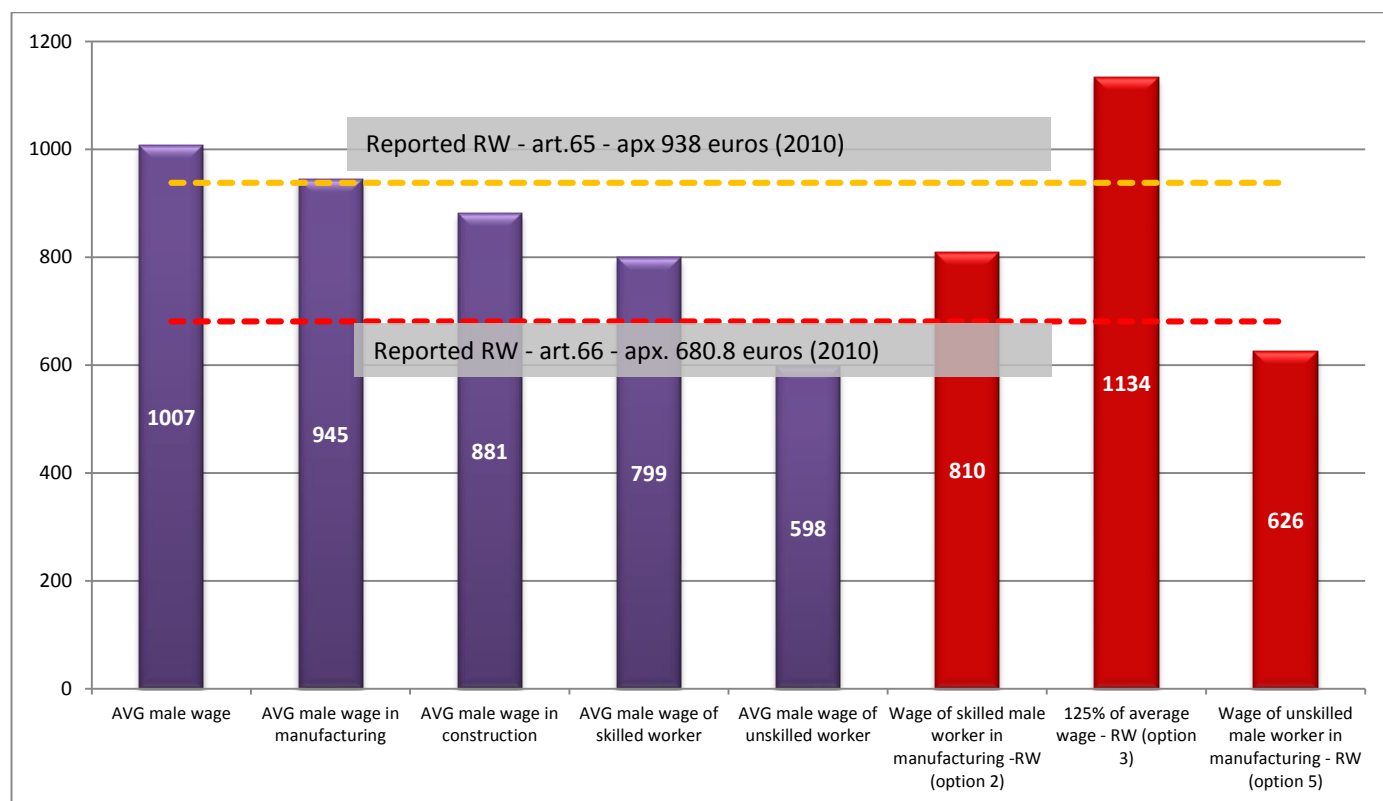
⁹ Structure of earnings survey – Eurostat, 2010 http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn_ses10_48&lang=en

¹⁰ Report of Czech Republic under Article 74 of the European Code of Social Security and its Protocol (1 July 2010-30 June 2011), p.4, 13,24

¹¹ Report of Czech Republic under Article 74 of the European Code of Social Security and its Protocol (1 July 2012-30 June 2013), p. 4

¹² Report of Czech Republic under Article 74 of the European Code of Social Security and its Protocol (1 July 2013-30 June 2014), p.3-4

Fig. 4. Comparison of the reported reference wages to other wage indicators in the Czech Republic, 2010, euros



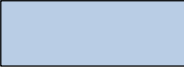
Source: Eurostat SES - http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn_ses10_48&lang=en and http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn_ses_monthly&lang=en for option 3 – 125% of average wage (working time includes both full-time and part-time employees)

CHAPTER III. Integrated Management of compliance and reporting obligations of the Czech Republic under social security provisions of the ratified international treaties on social rights

- [Table 1. Up-to-date social security standards in force](#)
- [Table 2. Pending comments of the supervisory bodies](#)
- [Table 3. Up-to-date standards on which reports are due in 2016](#)
- [Table 4. Up-to-date standards on which reports are due in 2017](#)
- [Next detailed report of the Czech Republic under Article 74 of the ECSS. \(Extract from CEACR 2015 Conclusions\)](#)
- [Parts of Convention No.102 no longer applicable following ratification of more advanced standards](#)
- [Coordination of reporting between the ECSS and C102. Form for the annual report on the European Code of Social Security](#)
- [Table 5. Coordination of reporting obligations on up-to-date ILO social security Conventions ratified by the Czech Republic](#)
- [Fig. 1. Time management of the 5 years reporting cycle \(2011-2016/17\) on international and European social security standards](#)
- [Fig. 2. Time management for reporting on social security standards in 2016](#)

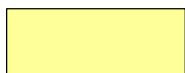
Table 1. Up-to-date social security standards in force

<div>Social Human Rights</div> <div>International treaties</div>	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
ICECSR	Right to Social Security Art.9										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a§ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC (1961)	Art.11, 13§1		Art.1§1§3		Art.3§1§2, 15§2	Art.16	Art.8§1	Art.15§1		Art.4§1	
										Art.13§1§2§3, 14	
	Right to Social Security Art.12§1§2§3										
Protocol	II	III	IV	V	VI	VII	VIII	IX	X	Schedule to XI	
ECSS	Medical care Part II	Sickness benefit Part III	Unemployment benefit Part IV	Old-age benefit Part V	Employment injury benefit Part VI	Family benefit Part VII	Maternity benefit Part VIII	Invalidity benefit Part IX	Survivor's benefit Part X	Level of benefits Part XI	Financing& Organization Part XII
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
ILO Conventions					C121					C121 Art.19-21	C121 Art.22-26
				C128 Part III				C128 Part II	C128 Part IV	C128 Part V	C128 Part VI
	C130 Part II	C130 Part III								C130 Part III	C130 Part IV
			C168				C183 Art.6,7			C168 Art.15,16	C168 Part VIII

 Social Security Standards in force for the Czech Republic

 Social Security Standards not in force

Social Human Rights International treaties	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
ICECSR	Right to Social Security Art.9										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a§ii, 11§1	Art.2§1 Art.4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC (1961)	Art.11		Art.1§1	Art.23	Art.3§1§2, 15§2	🙄Art.16	Art.8§1	Art.15§1		Art.4§1	
	🙄Art.13 §1		🙄Art.13§1								
			Art.13§2§3, 14								
	🙄Right to Social Security Art.12§1										
	Art.12§2§3										
Protocol	II	III	IV	V	VI	VII	VIII	IX	X	Schedule to XI	
ECSS	Medical care Part II	Sickness benefit Part III	Unemployment benefit Part IV	Old-age benefit Part V	Employment injury benefit Part VI	Family benefit Part VII	Maternity benefit Part VIII	Invalidity benefit Part IX	Survivor's benefit Part X	Level of benefits Part XI	Financing& Organization Part XII
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
ILO Conventions					C121					C121 Art.19-21	C121 Art.22-26
				C128 Part III				C128 Part II	C128 Part IV	C128 Part V	C128 Part VI
	C130 Part II	C130 Part III								C130 Part III	C130 Part IV
			C168				C183 Art.6,7			C168 Art.15,16	C168 Part VIII



Pending comments of the supervisory bodies




critical comments or non-compliance

Table 2. Pending comments of the supervisory bodies

Table 3. Up-to-date standards on which reports are due in 2016

<div>Social Human Rights</div> <div>International treaties</div>	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
ICECSR	Right to Social Security Art.9										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a§ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC (1961)	Art.11, 13§1		Art.1§1§3	Art.23	Art.3§1§2	Art.16	Art.8§1	Art.15§1		Art.4§1	
					Art.15§2					Art.13§1§2§3, 14	
	Right to Social Security Art.12§1§2§3										
Protocol	II	III	IV	V	VI	VII	VIII	IX	X	Schedule to XI	
ECSS	Medical care Part II	Sickness benefit Part III	Unemployment benefit Part IV	Old-age benefit Part V	Employment injury benefit Part VI	Family benefit Part VII	Maternity benefit Part VIII	Invalidity benefit Part IX	Survivor's benefit Part X	Level of benefits Part XI	Financing& Organization Part XII
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
ILO Conventions					C121					C121 Art.19-21	C121 Art.22-26
				C128 Part III				C128 Part II	C128 Part IV	C128 Part V	C128 Part VI
	C130 Part II	C130 Part III								C130 Part III	C130 Part IV
			C168				C183 Art.6,7			C168 Art.15,16	C168 Part VIII

 Report in 2016

Social Human Rights International treaties	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
	<i>Right to Social Security Art.9</i>										
ICECSR	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a§ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC (1961)	Art.11, 13§1		Art.1§1§3	Art.23	Art.3§1§2, 15§2	Art.16	Art.8§1	Art.15§1		Art.4§1 Art.13§1§2§3, 14	
	<i>Right to Social Security Art.12§1§2§3</i>										
Protocol	<i>II</i>	<i>III</i>	<i>IV</i>	<i>V</i>	<i>VI</i>	<i>VII</i>	<i>VIII</i>	<i>IX</i>	<i>X</i>	<i>Schedule to XI</i>	
ECSS	<i>Medical care Part II</i>	<i>Sickness benefit Part III</i>	<i>Unemployment benefit Part IV</i>	<i>Old-age benefit Part V</i>	<i>Employment injury benefit Part VI</i>	<i>Family benefit Part VII</i>	<i>Maternity benefit Part VIII</i>	<i>Invalidity benefit Part IX</i>	<i>Survivor's benefit Part X</i>	<i>Level of benefits Part XI</i>	<i>Financing & Organization Part XII</i>
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
ILO Conventions					C121					C121 Art.19-21	C121 Art.22-26
				C128 Part III				C128 Part II	C128 Part IV	C128 Part V	C128 Part VI
	C130 Part II	C130 Part III								C130 Part III	C130 Part IV
			C168				C183 Art.6,7			C168 Art.15,16	C168 Part VIII

Report in 2017

Table 4. Up-to-date standards on which reports are due in 2017

Next detailed report of the Czech Republic under Article 74 of the ECSS.

(Extract from CEACR 2015 Conclusions)

In accordance with the reporting cycle on the Code, in July–August 2016 the Government shall submit a detailed report covering the period of five years from 1 July 2011 to 30 June 2016. In accordance with the reporting cycle on Convention No. 102, in June–August 2016 the Government shall also submit a detailed report for the period from 1 June 2011 to 31 May 2016. The Committee draws the Government's attention to the alignment of the reporting obligations under the Code and Convention No. 102 and to the similarity of the Report Forms on both instruments, the objective of which is to reduce the administrative workload and avoid duplication of reports. For this purpose, the Report Form on the Code expressly stipulates that, if a Government is bound by similar obligations as a result of having ratified the ILO Convention No. 102, "it may communicate to the Council of Europe copies of the reports it submits to the International Labour Office on the implementation of this Convention". Where certain Parts of Convention No. 102 have ceased to be applicable due to ratification of the corresponding Parts of the more advanced Conventions Nos 128 and 130, the Government may equally communicate to the Council of Europe copies of its reports on these Conventions. The Committee points out that this simplified procedure can be used next year to report on all accepted Parts of the Code and refers the Government to the tables in the ILO technical note concerning coordination of reporting obligations. Conversely, the information provided by the Government in its annual reports on the Code is regularly taken into account by the Committee in assessing the application of Conventions Nos 102, 128 and 130.

Furthermore, by 31 October 2016, the Czech Republic will also report on the application of the accepted provisions of the European Social Charter under the thematic group "Health, social security and social protection", which includes the right to protection of health (Article 11), the right to social security (Article 12), the right to social and medical assistance (Article 13) and the right to benefit from social welfare services (Article 14). The Committee observes that these articles of the Charter are directly related to many provisions of the Code and ILO social security Conventions and form a single legal space of the international social security law. Taking into account that the reference period for the report on the Charter (1 January 2012 – December 2015) falls inside the reference periods for detailed reports on the Code and Convention No. 102, the Government is invited to coordinate the fulfilment of its compliance and reporting obligations under these instruments in order to improve the quality and consistency of the information provided. Such coordination could be extended further to include future reporting on the social security provisions of the United Nations human rights treaties, including the International Covenant on Economic, Social and Cultural Rights, for which the next report is due in 2019.

With regard to coordination of compliance obligations, the Committee recalls that, in formulating its country conclusions on the application of the Code, it takes account of the relevant observations made by other supervisory bodies, such as the European Committee of Social Rights and the United Nations Committee on Economic, Social and Cultural Rights. To facilitate the integrated management of the Czech Republic obligations under the social security provisions of the main European and international treaties on social rights, the Committee refers the Government to the coordination tables and reporting timelines presented in the ILO technical note, together with the structured compilation of the comments made by their supervisory bodies. The Committee hopes that such a holistic vision will help the Government to apply the rights-based approach to its fiscal consolidation policy and complement it by the legal consolidation of all international obligations binding the Czech Republic to the full respect of social security rights.

Parts of Convention No.102 no longer applicable following ratification of more advanced standards

C102 - Social Security (Minimum Standards)

Article 75

If any Convention which may be adopted subsequently by the Conference concerning any subject or subjects dealt with in this Convention so provides, such provisions of this Convention as may be specified in the said Convention shall cease to apply to any Member having ratified the said Convention as from the date at which the said Convention comes into force for that Member.

C121 - Employment Injury Benefits → C102, Part IV

Article 29

In conformity with Article 75 of the Social Security (Minimum Standards) Convention, 1952, Part VI of that Convention and the relevant provisions of other Parts thereof shall cease to apply to any Member having ratified this Convention as from the date at which this Convention comes into force for that Member, but acceptance of the obligations of this Convention shall be deemed to constitute acceptance of the obligations of Part VI of the Social Security (Minimum Standards) Convention, 1952, and the relevant provisions of other Parts thereof, for the purpose of Article 2 of the said Convention

C128 - Invalidity, Old-Age and Survivors' Benefits → C102, Parts V, IX, X

Article 45

1. In conformity with the provisions of Article 75 of the Social Security (Minimum Standards) Convention, 1952, the following Parts of that Convention and the relevant provisions of other Parts thereof shall cease to apply to any Member having ratified this Convention as from the date at which this Convention is binding on that Member and no declaration under Article 38 is in force:

- (a) Part IX where the Member has accepted the obligations of this Convention in respect of Part II;
- (b) Part V where the Member has accepted the obligations of this Convention in respect of Part III;
- (c) Part X where the Member has accepted the obligations of this Convention in respect of Part IV.

2. Acceptance of the obligations of this Convention shall, on condition that no declaration under Article 38 is in force, be deemed to constitute acceptance of the obligations of the following parts of the Social Security (Minimum Standards) Convention, 1952, and the relevant provisions of other Parts thereof, for the purpose of Article 2 of the said Convention:

- (a) Part IX where the Member has accepted the obligations of this Convention in respect of Part II;
- (b) Part V where the Member has accepted the obligations of this Convention in respect of Part III;
- (c) Part X where the Member has accepted the obligations of this Convention in respect of Part IV.

C130 - Medical Care and Sickness Benefits → C102, Part III

Article 36

1. In conformity with the provisions of Article 75 of the Social Security (Minimum Standards) Convention, 1952, Part III of that Convention and the relevant provisions of other Parts thereof shall cease to apply to any Member having ratified this Convention as from the date at which this Convention is binding on that Member and no declaration under Article 3 is in force.

2. Acceptance of the obligations of this Convention shall, on condition that no declaration under Article 3 is in force, be deemed to constitute acceptance of the obligations of Part III of the Social Security (Minimum Standards) Convention, 1952, and the relevant provisions of other Parts thereof, for the purpose of Article 2 of the said Convention.

C130, Part II → C102, Part II

N.B! For information and reporting purposes, more advanced provisions on medical care contained in C130 include all those contained in Part II of C102.

C168 → C102, Part IV

N.B! For information and reporting purposes, more advanced provisions on unemployment benefit of C168 include those contained in Part IV of C102.

Coordination of reporting between the ECSS and C102

Form for the annual report on the European Code of Social Security (as modified by the Protocol additional thereto)

If a Government is bound by similar obligations as a result of having ratified the Social Security (Minimum Standards) Convention adopted by the 1952 General Conference of the International Labour Organisation, it may communicate to the Council of Europe copies of the reports it submit to the International Labour Office on the implementation of this Convention.

Council of Europe, Strasbourg 1967

Table 5. Coordination of reporting obligations on up-to-date ILO social security Conventions ratified by the Czech Republic

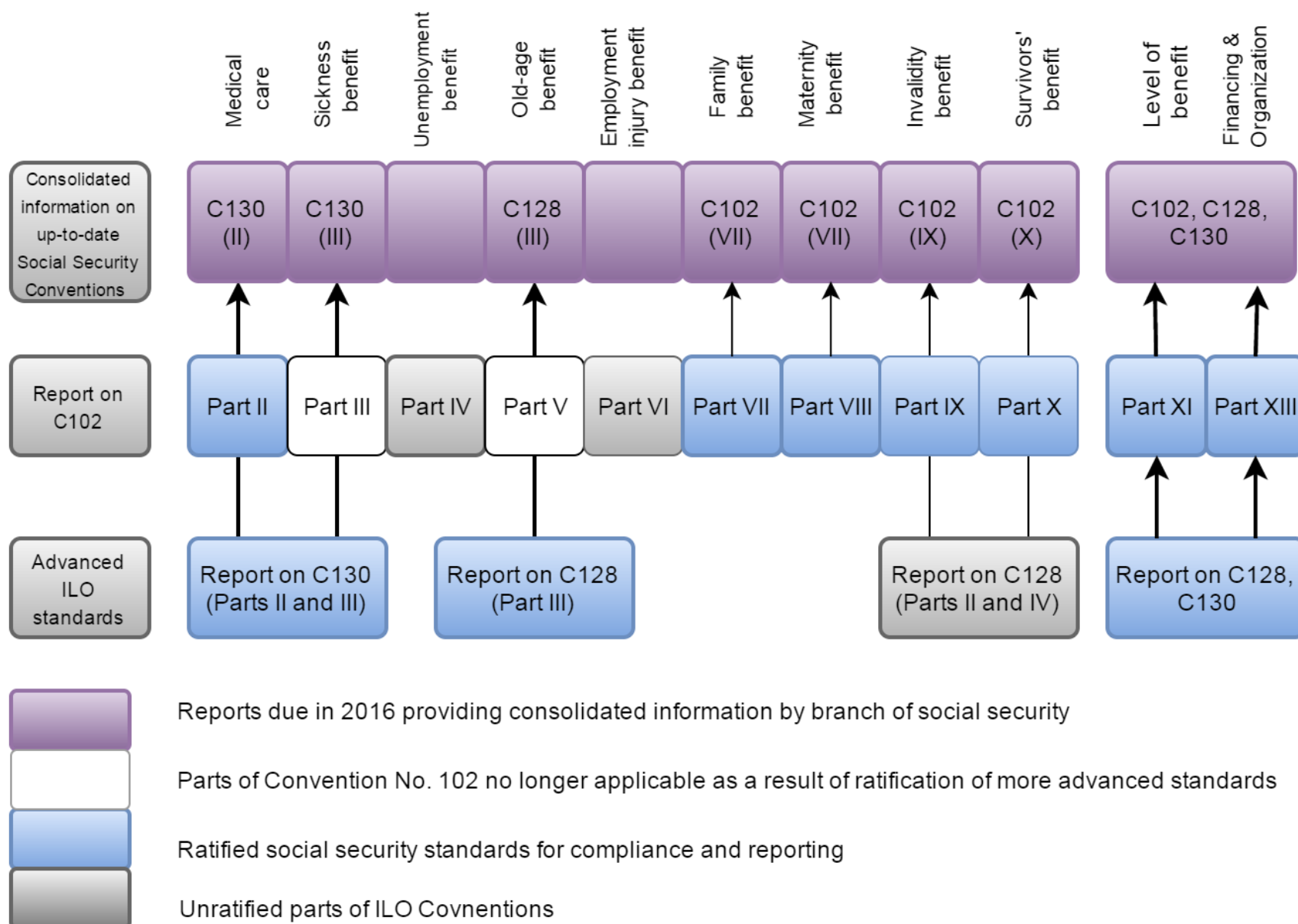
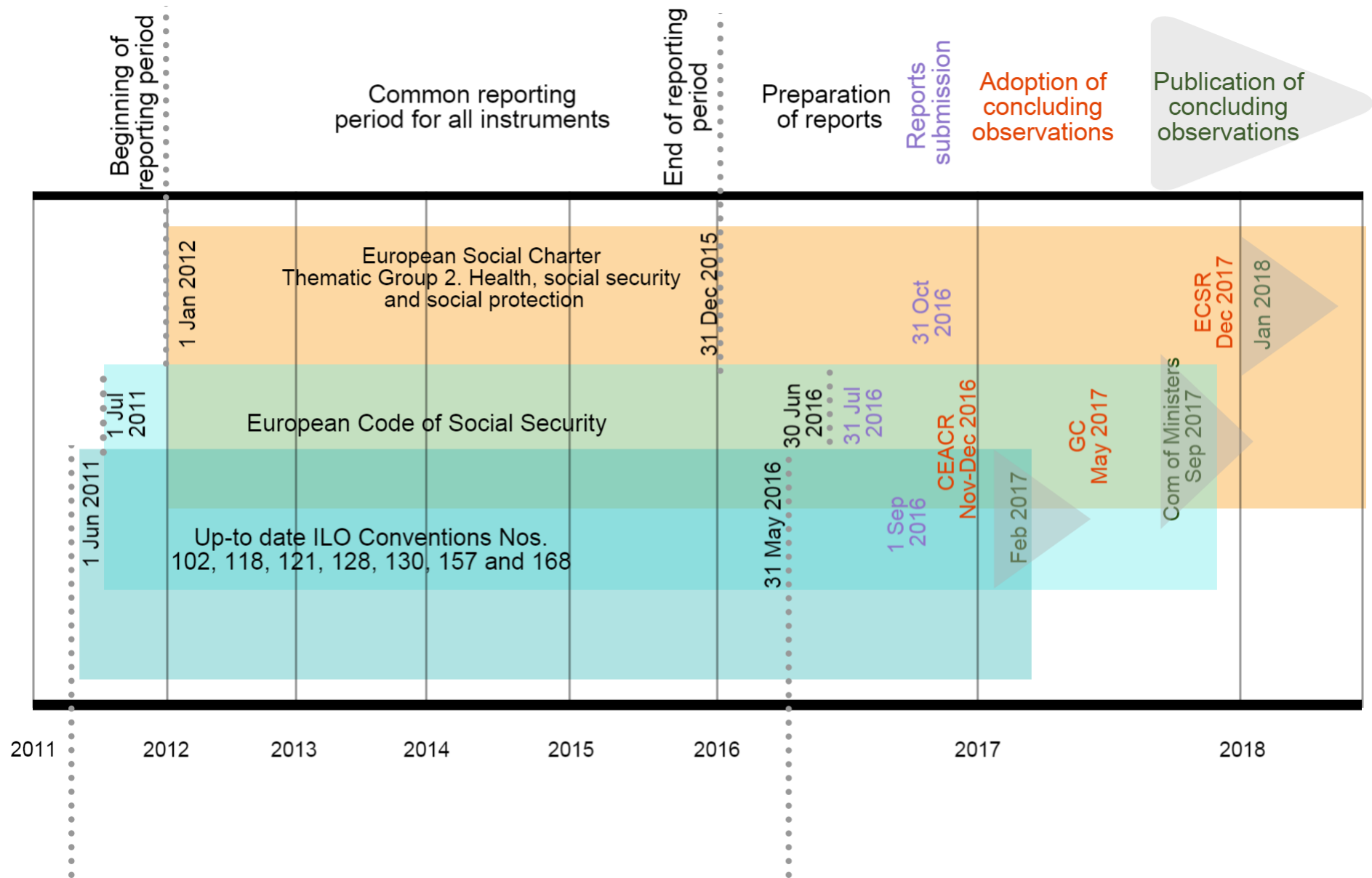


Fig. 1. Time management of the 5 years reporting cycle (2011-2016/17) on international and European social security standards



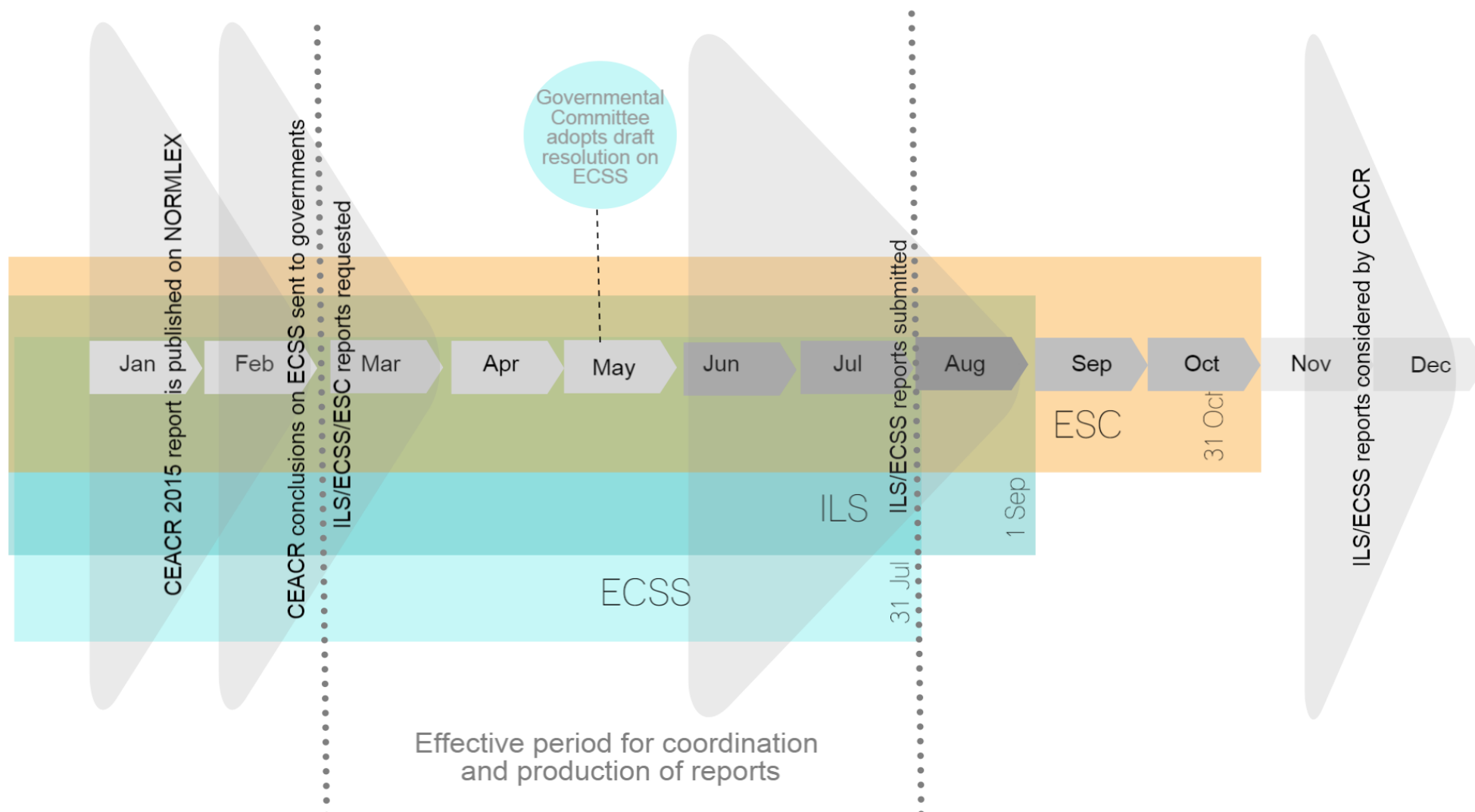


Fig. 2. Time management for reporting on social security standards in 2016

Chapter IV. Concluding observations of the supervisory bodies concerning provisions of the ratified international treaties on social rights and statements of other international bodies reviewing national economic and social policy

- [Table 1. International treaties on social rights ratified by the Czech Republic](#)
- [Table 2. Monitoring Mechanisms of State Party Compliance and Reporting Obligations](#)

1. **United Nations**

- [International Covenant on Economic, Social and Cultural Rights](#)
- [Convention on the Rights of the Child](#)
- [Convention on the Elimination of All Forms of Discrimination against Women](#)
- [Convention on the Right of Persons with Disabilities](#)

2. **Council of Europe**

- [European Social Charter](#)
- [European Code of Social Security](#)

3. **International Labour Organization**

- [Social Security \(Minimum Standards\) Convention, 1952 \(No. 102\)](#)
- [Invalidity, Old-Age and Survivors' Benefits Convention, 1967 \(No. 128\)](#)
- [Medical Care and Sickness Benefits Convention, 1969 \(No. 130\)](#)

4. **EU Country-Specific Recommendations: 2015**

Table 1. In force international treaties on social rights ratified by the Czech Republic

Body	International treaty	Entry into force for Czech Republic	Next report due on
United Nations	ICESCR	22 Feb 1993	30 May 2019
	Convention on the Rights of the Child	22 Feb 1993	30 Jun 2018
	Convention on the Elimination of All Forms of Discrimination against Women	22 Feb 1993	Submitted 4 Nov 2014, tbc in 2016
	Convention on the Rights of People with Disabilities	28 Sep 2009	28 Oct 2019
Council of Europe	European Code of Social Security	9 Sep 2001	1 Jul - 31 Aug 2016
	European Social Charter	3 Nov 1999	31 Oct 2015
International Labour Organization	Convention 102	1 Jan 1993	1 Jun - 1 Sep 2016
	Convention 103		
	Convention 121		
	Convention 128	1 Jan 1993	1 Jun - 1 Sep 2016
	Convention 130	1 Jan 1993	1 Jun - 1 Sep 2016
	Convention 168		
	Convention 183		
European Union	Country-Specific Recommendation of 14 July 2015		

Table 2. Monitoring Mechanisms of State Party Compliance and Reporting Obligations

Instrument	Supervisory body	Type of a State party report/Reporting cycle	Comments of a supervisory body
International Covenant on Economic, Social and Cultural Rights (ICESCR)	Committee on Economic, Social and Cultural Rights (CESCR)	Periodic reports – every 5 years; initial report – within one year after the entry into force (Art.17)	Concluding observations of the CESCR
Convention on the Rights of the Child	Committee on the Rights of the Child (CRC)	Periodic reports – every 5 years; initial report – within two years after the entry into force (Art.44)	Concluding observations of the CRC
Convention on the Elimination of All Forms of Discrimination against Women	Committee on the Elimination of Discrimination against Women (CEDAW)	Periodic reports – every 4 years; initial report – within one year after the entry into force (Art.18)	Concluding observations of the CEDAW
Convention on the Rights of People with Disabilities	Committee on the Rights of Persons with Disabilities (CRPD)	Periodic reports – every 4 years; initial report – within two years after the entry into force (Art.35)	Concluding observations of the CRPD
European Code of Social Security (ECSS)	ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) ; European Committee on Social Rights (ECSR) ; Governmental Committee of the European Social Charter and the European Code of Social Security; Committee of Ministers of the Council of Europe.	Full reports – every five years in conjunction with the ILO Convention 102; Annual reports every year (Art.74).	Conclusions of the CEACR; Report and recommendations of the GC; Resolutions of the Committee of Ministers.
European Social Charter/ Revised European Social Charter (ESC)	European Committee on Social Rights (ECSR) ; Governmental Committee (GC) of the European Social Charter and the European Code of Social Security; Committee of Ministers of the Council of Europe.	Normal reports – annually on one of four thematic groups; simplified reports – every two years in case of acceptance of the collective complaints procedure.	Conclusions (national reports) and decisions (collective complaints) of the ECSR; Report and recommendations of the GC; Resolutions of the Committee of Ministers.
ILO Conventions (C102, C121, C128, C130, C168, C183)	Committee of Experts on the Application of Conventions and Recommendations (CEACR) ; Conference Committee on the Application of Standards (CAS) .	Five-year cycle – simplified reports under the ILO technical conventions; detailed report – one year following the entry into force.	Observations and direct requests of the CEACR; Conclusions of the CAS.

1. United Nations

International Covenant on Economic, Social and Cultural Rights – Concluding observations 2014

(the numeration of comments is kept in accordance to the original)

[*UN Office of the High Commissioner for Human Rights website link, Treaty bodies database*](#)

Domestic application of the Covenant

Referring to the information provided by the State party on decisions made by the Constitutional Court, the Supreme Administrative Court and the Supreme Court on cases relating to economic, social and cultural rights, the Committee regrets that the State party did not specify which cases were based on the provisions of the Covenant. The Committee also regrets the lack of information on decisions adopted by lower courts and administrative instances that invoke the Covenant (art. 2, para. 1).

The Committee recommends that the State party provide in its next periodic report information on decisions taken by courts at all levels and by administrative instances that invoke the Covenant. The Committee also recommends that the State party raise awareness among members of the judiciary and the general public about the Covenant and the justiciability of economic, social and cultural rights. The Committee draws the State party's attention to its general comment No. 9 (1998) on the domestic application of the Covenant.

Charter on Fundamental Rights and Freedoms

The Committee notes with concern that several elements of the rights enshrined in the Covenant, such as those covered by article 11, are not recognized in the State party's Charter on Fundamental Rights and Freedoms (art. 2, para. 1).

Referring to the statement by the State party that economic, social and cultural rights are given the same emphasis as civil and political rights by the Government, the Committee recommends that the State party incorporate all economic, social and cultural rights into its Charter on Fundamental Rights and Freedoms.

Unemployment

The Committee is concerned that unemployment, especially among youth, remains considerable despite the measures taken by the State party (art. 7).

The Committee recommends that the State party continue its efforts to increase support for job seekers, in particular youth. It also recommends that the State party assess the impact of the economic and fiscal measures taken during the financial and economic crisis on the labour market and, in particular, on the enjoyment of the right to work. The Committee refers the State party to its general comment No. 18 (2005) on the right to work.

Minimum wage

The Committee notes with concern that, while the amount of the minimum wage is established through tripartite negotiations, the State party's legislation does not ensure the right to a remuneration that provides a decent living for workers and their families (art. 7).

The Committee recommends that the State party guarantees in its legislation the right to a remuneration that provides a decent living for both workers and their families, in accordance with the provisions of article 7 (a) of the Covenant.

Social security

The Committee is concerned at the cuts to social security benefits, introduced by the State party under its austerity measures programme, despite the State party's claim that some of the cuts are temporary and will be reversed. The Committee is also concerned that the protection for persons whose benefits have been discontinued is based on a material-needs approach with stringent qualifying conditions, a very low eligible income level for access to social allowances and low amounts of such allowances that are not in line with article 9 of the Covenant. The Committee is further concerned that the cuts, for example, to non-contributory benefits for very-low-income families with children, have a very negative impact on living conditions. Moreover, the Committee is concerned that the adequacy of the measures has been assessed primarily through aggregated statistical data, which do not provide a clear indication of the effects of the cuts on vulnerable groups (art. 9).

The Committee recommends that the State party: (a) reverse the cuts on social security benefits as soon as possible; (b) reconsider cuts to benefits from non-contributory schemes, insofar as they affect the most disadvantaged and marginalized groups; and (c) adopt a human rights-based approach in assessing the impact of cuts to benefits. The Committee refers the State party to the letter concerning austerity measures, which was sent to all States parties to the Covenant by the Chairperson of the Committee on 16 May 2012, and to its general comment No. 19 (2007) on the right to social security.

Health insurance for migrants

The Committee is concerned that migrants who do not hold a permanent residence permit, including dependents of migrants with permanent residence status, are not eligible to participate in the State party's contributory health insurance scheme. The Committee is further concerned at reports that migrants have been refused enrolment in private health insurance schemes or asked to pay prohibitive premiums, in contravention of the provisions of the Covenant and the State party's Anti-Discrimination Act (art. 9).

The Committee recommends that the State party open its contributory health insurance scheme to everyone without discrimination. The Committee also urges the State party to ensure that private insurance providers do not deny access to schemes operated by them nor impose unreasonable eligibility conditions, with a view to ensuring the right to equal, adequate, affordable and accessible health care to all. The Committee recommends that the State party investigate complaints of violations of the right to health insurance and impose penalties where appropriate.

De-institutionalization of persons with psychosocial disabilities and older persons

The Committee notes with concern the slow progress of de-institutionalization in the State party since the adoption in 2007 of Government resolution No. 127 on the "concept of support for the transformation of residential social services into different types of social services provided in a community of users and supporting social inclusion of the user". (arts. 12 and 10)

The Committee urges the State party to:

- (a) Base the implementation of the Strategy for the Reform of Psychiatric Care (2014–2020) on improving the enjoyment of all human rights by persons with psychosocial disabilities, including their right to independent living and inclusion in the community, and invest adequate resources in the process;**
- (b) Integrate the lessons learned from pilot projects in deploying full-scale de-institutionalization;**
- (c) Adopt action plans with clear timelines for the development of social services at the regional and municipal levels;**
- (d) Develop community-based care for older persons.**

Convention on the Rights of the Child – Concluding observations 2011

[*UNOHCHR website link, Treaty bodies database*](#)

E Basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) of the Convention)

Children with disabilities

51. While welcoming the State party's Education Act (Act No. 73/2005 Coll.) which provides for the integration of children with disabilities into mainstream schools, the Committee is seriously concerned that:

- (a) The Executive Ordinance of the Education Act (Act No. 73/2005 Coll.) allows schools to refuse to provide integrated education on the basis of insufficient material resources, which results in de facto exclusion of children with disabilities from mainstream schools remaining the norm; furthermore, parents of children with special educational needs are required to contribute to the extra cost of providing their child with education in a mainstream environment, inappropriately transferring the onus from the State to parents to fund their children's education in a free public school;
- (b) Current legislation precludes children with disabilities who are less than one year old from receiving care allowances;
- (c) The majority of children with disabilities are placed in institutions because parents are unable or do not want to care for these children;
- (d) A medical model approach is applied in addressing the needs of children with disabilities;
- (e) The availability of data concerning children with disabilities is quantitatively as well as qualitatively limited.

The Committee recommends that the State party:

- (a) Ensure the provision of adequate financial, technical and human resources for schools to effectively provide mainstream education for children with disabilities; and amend its legislation to prohibit schools from refusing children on the grounds of insufficient material resources;**
- (b) Provide socio-economic support to children with disabilities regardless of their age;**
- (c) Promote and facilitate care for children with disabilities in a family environment by providing adequate support to their parents or guardians;**
- (d) Adopt a social model approach which is in accordance with the Convention on the Rights of Persons with Disabilities, addressing attitudinal and environmental barriers that hinder the full and effective participation of children with disabilities in society on an equal basis, and train all professionals working with or for children with disabilities accordingly;**
- (e) Establish mechanisms for the collection of comprehensive and disaggregated data on children with disabilities and provide the human, technical and financial resources necessary for using such data to guide State party policy and programming for inclusive education.**

In the implementation of the above recommendations, the Committee highlights to the State party articles 23 and 29 of the Convention, its general comment No. 9 (2006) on the rights of children with disabilities, and article 24 of the Convention on the Rights of Persons with Disabilities.

Health and health services

53. The Committee is concerned that children of foreign nationals are precluded from access to public health insurance and are required to obtain private health insurance at significantly higher costs. The Committee is also concerned that children of foreign nationals who have severe

illnesses are often rejected by private health insurance providers and cannot therefore access health services and care.

The Committee urges the State party to undertake the necessary measures and legislative amendments to ensure that the children of foreign nationals are provided with the same quality and level of health care as nationals of the State party.

Convention on the Elimination of All Forms of Discrimination against Women – Concluding observations 2016

[UN OHCHR website link, Treaty bodies database](#)

Employment

26. The Committee is concerned about the slow progress during the reporting period. It notes the reduction in the very wide gender pay gap in the State party, but remains concerned about:

d) The low level of the minimum wage, that remains very low in spite of its recent increase, and is below the poverty line for single mothers with children

27. The Committee recommends that the State party strengthen its measures to ensure substantive equality of women and men in the labour market. In particular, it recommends that the State party:

(a) Undertake measures to eliminate occupational segregation, and combat the underemployment of women including by: enhancing efforts to encourage women and girls to select non-traditional educational and vocational choices and career options; prioritising the transition of women from part-time to full-time jobs and promoting full-time employment for women that is supported by adequate quality child-care facilities and the promotion of equal sharing of family and domestic responsibilities between women and men; and promote the use of paternity leave by men;

(d) Consider raising its minimum wage level with a view to addressing the negative impact it has on the feminisation of poverty.

30. The Committee welcomes the low rates of perinatal mortality in the State party. However, it is concerned about continued reports on the conditions for childbirth and obstetric services in the State party unduly curtailing women's reproductive health choices, including:

(a) Unnecessary separation of newborns from their mothers without medical grounds;

(b) Disproportionate limitations on home childbirths;

(c) Frequent use of episiotomy without medical need and in contravention of the mother's preference to abstain from them; and

(d) Undue restrictions on the use of midwives in lieu of physicians/gynecologists in situations where such use does not pose a health risk.

31. The Committee reiterates its previous recommendation that the State party accelerate the adoption of a law on patients' rights, including women's reproductive rights. In doing so, the State party should:

(a) Adopt clear guidelines for ensuring that the separation of newborns from their mothers is subject to the requirement of medical necessity;

(b) Establish a prenatal care system that allows for the effective assessment of the suitability of home childbirths and the option for it where appropriate;

(c) In light of its recent adoption of Act No. 372/2011 Coll., on health services and the terms and conditions for the providing of such services, ensure its effective implementation in

compliance with the Convention, including by: Adopting and enforcing a protocol of normal birth care ensuring respect for patients' rights and avoiding unnecessary medical interventions; and ensuring that all interventions are performed only with the woman's free, prior and informed consent; monitoring the CEDAW/C/CZE/CO/69 quality of care in maternity hospitals; providing mandatory training for all health professionals on patients' rights and related ethical standards; continue raising patients' awareness of their rights, including by disseminating information; and
(d) Undertake measures, including legislation, to make midwife-assisted childbirth outside hospitals a safe and affordable option for women.

Economic empowerment of women

34. The Committee commends the State party for its achievements in combating poverty (ranking amongst the top new EU States on this). However, the Committee is concerned about the number of persons, particularly women, without decent housing (approximately 30,000). The Committee is concerned that single parent households headed by women, older women and Roma women face disproportionately high risks of poverty. In this context, it is concerned that the State party's social benefits, allowances, pensions and social housing measures are inadequate for protecting these women from poverty. The Committee is also concerned that the absence of a legal framework for ensuring the timely payment of alimony exacerbates the situation of single parent households headed by women.

35. The Committee recommends that the State party reinforce its social housing policy, and develop gender-sensitive funding mechanisms and adapted vocational training in economic areas, including agriculture, tourism and renewable energies. The Committee recommends that the State party expeditiously undertake an evaluation of its social benefits, allowances, pensions and social housing measures with a view to ensuring that these support measures are adequate for providing effective protection against poverty. In doing so, the State party should undertake targeted measures for addressing the economic needs of single parent households headed by women, older women and Roma women. The Committee also recommends that the State party consider amendments to its legal framework and procedures for alimony to ensure timely payment of adequate amounts.

Convention on the Right of Persons with Disabilities – Concluding observations 2015

[*UN OHCHR website link, Treaty bodies database*](#)

Adequate standard of living and social protection (art. 28)

53. The Committee notes with concern that the Act No. 329/2011 Coll., on the Provision of Benefits to Persons with Disabilities has led to “factual revision of the spectrum of benefits, the purpose thereof and the group of persons to be provided the benefits” (CRPD/C/ CZE /Q/1/Add.1, paragraph 170), and had an adverse effect on the enjoyment of the rights to an adequate standard of living and to social protection of persons with disabilities, including boys and girls with disabilities.

54. The Committee calls upon the State party to review the legislation, with genuine participation of persons with disabilities, to reintroduce the additional social allowance which would increase the living standard of families with children with disabilities above the subsistence level, and to broaden the range of and facilitate access to assistive devices for children with disabilities regardless of age.

55. The Committee notes with concern that a number of disability pension beneficiaries are at risk of being denied access to retirement pensions as the period during which they receive a disability pension is not included in the insurance period.

56. The Committee calls upon the State party to revise its legislation and the newly established method of calculating the relevant period from the beginning of disability until the entitlement of retirement pensions, as this has resulted in the amount of the pensions received by persons with disabilities at the third level being below the minimum subsistence level.

2. Council of Europe

European Social Charter

[Official website of the European Social Charter, link to conclusions](#)

Article 1 – Right to work – Conclusions 2012

Paragraph 1 - Policy of full employment

Employment policy

The Committee notes from Eurostat that the activation rate in the Czech Republic (measured as participants in active measures per 100 persons wanting to work) was 9.7% in 2009. This was well below the EU-27 average that year, which stood at 28.9%. The Committee therefore notes that only a small number of unemployed persons receive active support. This information is confirmed by another source which states that high long-term unemployment is consistent with under-funded and relatively low-scale active labour market policies and a low share of participants in regular activation measures.

According to Eurostat, public expenditure on active labour market policies in the Czech Republic amounted to 0.22% of GDP in 2009, which again was a low figure among EU-27 countries (where the average public spending on active labour market measures as a% of GDP that year was 0.78%). The report states that considering the restricted budget situation and the aim of decreasing the state budget deficit below 3% of GDP by 2013, an increase of expenditure on active employment policy is not expected. The goal of the Government is however to maintain the current level of expenditure.

The Committee finds that employment policy efforts in the Czech Republic, measured both in terms of the activation rate and spending on active labour market measures, were modest during the reference period. It asks in particular if there are plans to expand the coverage of active measures beyond the mere 9.7% of jobseekers which participated in activation measures in 2009. Finally, the Committee recalls that labour market measures should be targeted, effective and regularly monitored. It asks in this respect whether the employment policies in place are monitored and how their effectiveness is evaluated.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion. The Committee considers that the absence of the information required amounts to a breach of the reporting obligation entered into by the Czech Republic under the 1961 Charter. The Government consequently has an obligation to provide the requested information in the next report on this provision.

Paragraph 3 - Free placement services

The report fails to provide any information on the public employment services (PES), which are the main thrust of this provision. The Committee therefore asks the next report to include information (for the different years of the reference period) on:

- the number of vacancies notified to the PES;
- the number of placements made by the PES (and the placement rate, measured as a percentage of the total vacancies notified);

- the placements made by the PES as a percentage of total hirings in the labour market.

It also asks again what is the number of counselors in the PES involved in placement services, and the ratio of placement staff to registered jobseekers.

Finally, the Committee notes from another source that the capacity of the public employment service should be strengthened in the Czech Republic to increase the quality and effectiveness of training, job search assistance and individualised services, linking funding of programmes to results. The Committee invites the Government to comment on these observations.

The report containing no relevant information, the Committee considers there is nothing to show that employment services are operated in an efficient manner.

Conclusion

The Committee concludes that the situation in the Czech Republic is not in conformity with Article 1§3 of the 1961 Charter on the ground that it has not been established that employment services operate in an efficient manner.

Article 3 - Right to safe and healthy working conditions – Conclusions 2013

Paragraph 1 - Safety and health regulations

Protection of temporary workers:

The previous report provided the information asked by the Committee. The report does not contain any further information. The Committee understands that there are no developments with respect to the legal framework relating to the protection of temporary workers. It asks that the next report provides full and updated information on this point.

Conclusion

Pending receipt of the requested information, the Committee concludes that the situation in the Czech Republic is in conformity with Article 3§1 of the 1961 Charter.

Paragraph 2 - Enforcement of safety and health regulations

The Committee takes note of the information contained in the report submitted by the Czech Republic.

Occupational accidents and diseases

The report shows a decrease in the total number of occupational injuries during the reference period: from 60 852 in 2008, to 43 747 in 2010. In this context, the report indicates a decrease in the number of: a) the accidents requiring hospitalisation for more than three days (from 59 590 in 2008 to 42 684 in 2010); b) the accidents requiring hospitalisation for more than five days (from 1 079 in 2008 to 928 in 2010); c) the fatal accidents (from 183 in 2008 to 135 in 2010). The Committee notes from Eurostat statistics that: a) serious accidents (four days absence or more, more than three days lost, excluding road traffic accidents and accidents on board of any mean of transport in the course of work) were 81 096 in 2008 and 49 843 in 2010 (standardised incidence rate: 1 937 in 2008 and 1 323 in 2010); b) fatal accidents, excluding road traffic accidents and accidents on board of any mean of transport in the course of work, were 101 in 2008 and 66 in 2010 (standardised incidence rate: 2.79 in 2008 and 1.96 in 2010). The Committee notes that as regards the standardised incidence rate, with respect to the same period, the figures mentioned above are very close to the estimated average of the EU member States (27 members). Concerning serious accidents, the said rate was 2 269 in 2008 and 1 582 in 2010; concerning fatal accidents,

it was 2.36 in 2008 and 1.97 in 2010. The report indicates that the number of occupational diseases in 2008 was 1403, the incidence rate per 100 000 being 30.7; in 2009: 1313 (incidence rate: 30.9); in 2010: 1292 (incidence rate: 30.0); in 2011: 1266 (incidence rate: 30.3). A methodology of data collection has been prepared in cooperation with the Czech Statistical Office and Institute for Medical Information of the Czech Republic, in accordance with the methodology prescribed by the EODS (European Occupational Diseases Statistics). This methodology is the basis for the new Binding Instructions to the National Registry of Occupational Diseases issued by the Institute of Health Information Systems.

Conclusion

The Committee concludes that the situation in the Czech Republic is in conformity with Article 3§2 of the 1961 Charter.

Article 8 - Right of employed women to protection of maternity – Conclusions 2015

Paragraph 1 - Maternity leave

Right to maternity leave

The report indicates that the situation, which the Committee previously found to be in conformity with the Charter (Conclusions XIX-4 (2011)), has not changed: according to Article 195 of the Labour Code of 2006, women are entitled to 28 weeks of maternity leave, which can be extended to 37 weeks in case of multiple birth. Maternity leave can never be shorter than 14 weeks and 6 weeks of postnatal leave are compulsory. The same rules apply to women employed in the public sector.

Right to maternity benefits

In its previous conclusion (Conclusions XIX-4 (2011)), the Committee asked for a full and updated description of the system to be provided, including in respect of women employed in the public sector. The report does not provide however this information.

The Committee notes from the ILO database on Maternity protection, Czech Republic 2011, that are eligible to maternity benefits the insured persons who have participated in the sickness insurance scheme for at least 270 calendar days over the last two years before the date of starting the maternity leave. Under certain conditions, are also eligible to maternity benefits people receiving full invalidity pensions and students (Act No. 187/2006 Coll. on Sickness Insurance, as amended up to Act No.180 of 2011 coll.).

The maternity benefits are granted from the start of the maternity leave (no later than 6 weeks before the expected date of childbirth), for a duration of 28 weeks, up to 37 weeks in case of multiple children. Maternity benefits can be transferred to the insured father or husband of the mother, if a written agreement has been concluded to this effect after the end of the 6th week after the childbirth.

According to MISSOC database (Czech Republic, as of 1/01/2014), the amount of the maternity benefits (peněžitá pomoc v mateřství – PPM) is 70% of the daily basis of assessment per calendar day, up to a maximum of CZK 1,060 (€39) a day. The daily basis of assessment is calculated using gross monthly earnings, which are taken into account as follows: up to CZK865 (€31): 100%; CZK865 (€31) to CZK1,298 (€47): 60%; CZK1,298 (€47) to CZK2,595 (€94): 30%; earnings over CZK2,595 (€94) are not taken into account. The Committee recalls that a benefit must be adequate and must be equal to the salary or close to its value, i.e. at least equal to 70% of the previous wage. For high salaries, a significant reduction in pay during maternity leave is not, in itself, contrary to Article 8§1. Various elements are taken into account in order to assess the reasonable character of the reduction, such as the upper limit for calculating benefit, how this compares to overall wage

patterns and the number of women in receipt of a salary above this limit. In the light thereof, the Committee asks that the next report provide information on the proportion of employees exceeding the daily average limit of CZK2,595 (€94). It furthermore reiterates its request for a full and updated description of the system in the next report. In addition, the Committee refers to its Statement of Interpretation on Article 8§1 (Conclusions XX-4 (2015)) and asks whether the minimum rate of maternity benefits corresponds at least to the poverty threshold, defined as 50% of the median equivalised income, calculated on the basis of the Eurostat at-risk-of-poverty threshold value.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in the Czech Republic is in conformity with Article 8§1 of the 1961 Charter.

Article 11 Right to protection of health – Conclusions 2013

Paragraph 1 - Removal of the causes of ill-health

The Committee notes from Eurostat that life expectancy at birth in 2009 (average for both sexes) was 77.4 (the EU-27 average that same year was 79.0).

The death rate (number of deaths per 1 000 population) remained stable throughout the reference period, standing at 10.18 in 2011.

The Committee notes in the report a National Programme for Addressing HIV/AIDS in the Czech Republic in 2008-2012. It reiterates its question (see Conclusions XIX-2) on statistics on the death rate from AIDS.

In the previous examination of Article 11, the Committee adopted a general question addressed to all States on the availability of rehabilitation facilities for drug addicts, and the range of facilities and treatments. The Committee requests that information on this also be included in the next report.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in the Czech Republic is in conformity with Article 11§1 of the 1961 Charter.

Paragraph 2 - Advisory and educational facilities

Conclusion

The Committee concludes that the situation in the Czech Republic is in conformity with Article 11§2 of the 1961 Charter.

Paragraph 3 - Prevention of diseases and accidents

Conclusion

The Committee concludes that the situation in the Czech Republic is in conformity with Article 11§2 of the 1961 Charter.

Article 12 Right to social security – Conclusions 2013

Paragraph 1 - Existence of a social security system

Old-age benefit

The Committee is aware of the fact that in some situations the minimum level of social security benefits that can be obtained under the contributory system on the basis of the length and amount of contributions paid, may be topped up with non-contributory benefits under the social assistance system. The aim of such top ups is often to ensure that the total income obtained through contributory social security system does not fall short of the level of guaranteed income as established by legislation.

However, the Committee recalls that where the minimum level of an income- replacement benefit examined under Article 12§1 of the Charter, falls below 40% of the median equivalised income (or the poverty threshold indicator), the Committee will not consider that its aggregation with other social assistance benefit can bring the situation into conformity. Where an income-replacement benefit stands between 40% and 50% of the median equivalised income, the Committee will also take into account social assistance benefits, where applicable.

Therefore, the Committee holds that the situation in the Czech Republic is not in conformity with the Charter as the minimum level of old age benefit falls below 40% of the Eurostat median equivalised income.

Unemployment benefit

The Committee notes from the report that the level of unemployment benefit is determined by the average monthly net salary which the worker received in the last employment prior to the entry in the register of job seekers. It amounts to 65% of the wage in the first two months of the support period, 50% in the next 2 months and 45% of the average monthly earning for the remainder of the support period.

As regards the minimum amount of benefit, the Committee notes that the guaranteed minimum wage in 2011 was determined at CZK 8 000. Therefore, for the first two months of unemployment the minimum level of unemployment benefit would stand at €200, at € 153 during the next two months and at €138 for the remainder of the support period.

The Committee holds that the minimum level of unemployment benefit is manifestly inadequate as it falls below 40% of the median equivalised income.

Sickness benefit

The Committee notes from the report that the Czech health insurance system does not work with a defined minimum amount of any benefit as the amount of benefit is always based on the level of income reached. The Committee takes note of an example of a qualified worker (corresponding to the wage of a metal turner – a machine tool setter and operator) earning a net wage of CZK 19 996, whose monthly sickness benefit would amount to CZK 12 420 (€497).

The Committee observes that using the same calculations, a person earning the minimum wage of CZK 8000 would receive CZK 4976 (€198). The Committee holds that the level of minimum sickness benefit is manifestly inadequate as it falls below 40% of the Eurostat median equivalised income.

The Committee asks what is the minimum level of maternity benefit.

Conclusion

The Committee concludes that the situation in the Czech Republic is not in conformity with Article 12§1 of the Charter on the grounds that:

- the minimum level of old age benefit is manifestly inadequate;
- the minimum level of unemployment benefit is manifestly inadequate;
- the minimum level of sickness benefit is manifestly inadequate.

Paragraph 2 - Maintenance of a social security system at a satisfactory level at least equal to that necessary for the ratification of the European Code of Social Security

The Czech Republic ratified the European Code of Social Security and its Protocol on 26 February 2004 and has accepted parts I-VIII, X-XIV of the Code.

The Committee notes from the Resolution CM/ResCSS(2012)3 on the application of the European Code of Social Security and its Protocol by the Czech Republic (Period from 1 July 2010 to 30 June 2011) of the Committee of Ministers that the law and practice in the Czech Republic continue to give full effect to the parts of the Code which have been accepted subject to receiving information concerning sickness benefit, unemployment benefit and employment injury benefit. In so doing, the Czech Republic maintains a social security system that meets the requirements of ILO Convention No. 102.

Conclusion

The Committee concludes that the situation in the Czech Republic is in conformity with Article 12§2 of the 1961 Charter.

Paragraph 3 - Development of the social security system

Conclusion

The Committee concludes that the situation in the Czech Republic is in conformity with Article 12§3 of the 1961 Charter.

Article 13 - Right to social and medical assistance – Conclusions 2013

Paragraph 1 - Adequate assistance for every person in need

Level of benefits

The Committee notes that, according to the report, no information can be provided as to the standard level of benefits, insofar as the actual amounts granted take into account a number of variable factors (residence area, efforts spent by the claimant to improve the situation, size and composition of the household, age, self-sufficiency etc.). In these circumstances, the Committee is not in a position to assess whether the assistance is adequate and maintains therefore its finding of non-conformity on this issue.

Personal scope

In its previous conclusion (Conclusions XIX-2) the Committee held that the situation was not in conformity with the Charter on the ground that the granting of social assistance to nationals of other States Parties legally residing in the Czech Republic was conditional on a continuous presence (5 years) on the territory that was manifestly excessive.

The Committee recalls that under Article 13§1 of the Charter, foreigners lawfully resident in the territory of a member state cannot be repatriated on the sole ground that they are in need of assistance. In particular, country's authorities are not authorised to withdraw a residence permit solely on the grounds that the person concerned is without resources and unable to provide for the needs of his family. In the light thereof, the Committee holds that the possibility to withdraw a residence permit on the mere ground that the person represents an "unreasonable burden" for the social assistance system is not in conformity with the Charter.

Conclusion

The Committee concludes that the situation in the Czech Republic is not in conformity with Article 13§1 of the 1961 Charter on the grounds that:

- it has not been established that the level of social assistance is adequate and
- Czech legislation allows withdrawal of residence permit to foreign nationals in material need.

Paragraph 2 - Non-discrimination in the exercise of social and political rights

Conclusion

The Committee concludes that the situation in the Czech Republic is in conformity with Article 13§2 of the 1961 Charter.

Paragraph 3 - Prevention, abolition or alleviation of need

The Committee asks the next report to provide any relevant complementary information, such as statistical data, judicial decisions, legal provisions or administrative instructions allowing to establish that, in theory and in practice, foreign nationals of states parties to the Charter are entitled to equal access to advice and personal assistance services, without being subjected to an excessive residence requirement. It holds that if such information is not provided in the next report, there will be nothing to establish that the situation is in conformity with the Charter. In the meantime, it reserves its position on this issue.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 14 - Right to benefit from social services – Conclusions 2013

Paragraph 1 - Promotion or provision of social services

The Ministry of Labour and Social Affairs prepared a long-term plan on social inclusion until 2020 and set priorities for the development of social services for the period 2009-2012. The Committee, therefore, wishes the next report to provide information on the outcome of these plans.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Paragraph 2 - Public participation in the establishment and maintenance of social services

The Committee wishes to know whether and how the Government ensures that services managed by the private sector are effective and are accessible on an equal footing to all, without discrimination at least on grounds of race, ethnic origin, religion, disability, age, sexual orientation and political opinion.

Conclusion

The Committee concludes that the situation in the Czech Republic is in conformity with Article 14§2 of the 1961 Charter.

Article 15 - Right of persons with disabilities to independence, social integration and participation in the life of the community – Conclusions 2012

Paragraph 2 - Employment of persons with disabilities

Employment of persons with disabilities

The Committee reiterates that in order to assess the situation it must be systematically provided with up-to-date figures, such as the total number of persons with disabilities as well as that of those in working age; the total number of persons with disabilities employed on the ordinary market as well as that of those employed in sheltered employment; the rate of progression of persons with disabilities from sheltered employment to the ordinary labour market. The Committee asks the next report to provide, in particular, clear and unambiguous data showing the number of persons with disabilities employed in sheltered and open labour market jobs compared to the total number of disabled persons in working age.

Anti-discrimination legislation

The Committee notes from another source that employers are obliged to ensure reasonable accommodation at their own cost, and that there is no provision for financial support expressly dedicated to accommodation costs. The Committee asks the Government to confirm whether this is indeed the case. The Committee requests the next report to provide information on the implementation of the reasonable accommodation obligation in practice, in particular how many employers fulfil the obligation and how many are discharged from it on the ground that it constituted an inadequate (financial) burden.

The Committee further notes from the same source, citing a governmental report on the state of human rights 2010, that the high unemployment of persons with disabilities and low offer of job opportunities create an environment in which people with disabilities are object of exploitation and are forced, for example, to hand over parts of their salary to their employer as a form of “repaid loan, contribution, subscription etc.” The Committee would like to receive the Government’s comments on this.

The Committee recalls that the State must ensure equal and effective access to employment to persons with disabilities. If the Government will not provide adequate information and relevant statistical data showing that such effective access is ensured in practice, there will be nothing to establish that the situation in Czech Republic is in compliance with Article 15§2 of the Charter.

Measures to encourage the employment of persons with disabilities

The Committee takes note of the measures to aiming to support employment of people with disabilities, described in the report, in particular the quota system, the subsidies for establishing sheltered workplaces and sheltered workshops, contribution to wage expenditure and subsidies to employers who employed more than 50% of persons of disabilities, vocational rehabilitation and counselling programmes. It further notes that the scheme for employing persons with disabilities has been substantially reformed as of January 2012; it therefore asks the next report to describe the new scheme in detail. The Committee also reiterates its questions concerning sheltered employment facilities, in particular whether they help their beneficiaries to enter the open labour market.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 16 - Right of the family to social, legal and economic protection – Conclusions 2015

Economic protection of families

Family benefits

The Committee concluded previously (Conclusions XIX-4 (2011)) on a non-conformity on the ground that the level of family benefits did not constitute an adequate income supplement. The report indicates that as of 1 January 2012 the regularly paid family benefits include the parental allowance and the child benefits.

As regards child benefits, MISSOC indicates that the entitlement to child benefits is limited to the family with an income under 2.4 times the family living minimum. In 2013, the monthly child benefits was €18 for children aged under 6, €22 for children aged 6 to 15 and €25 for children aged 15 to 26. According to Eurostat, the median equivalised income in 2013 was €641 per month. The Committee notes that child benefits range from 2.8% of the median equivalised income for children aged under 6 to 3.9% for children aged 15 to 26. The report indicates also that in 2013 19.6% of families received child benefits. The Committee recalls that child benefits should be provided to a significant number of families (Conclusions XVII-1 (2004) Spain). The Committee concludes that the situation is not in conformity on the ground that family benefits are not of an adequate level for a significant number of families.

Conclusion

The Committee concludes that the situation in Czech Republic is not in conformity with Article 16 of the 1961 Charter on the grounds that:

- housing conditions of Roma families are not adequate;
- family benefits are not of an adequate level for a significant number of families.

European Code of Social Security

Resolution CM/ResCSS(2015)3 on the application of the European Code of Social Security by the Czech Republic

(Period from 1 July 2013 to 30 June 2014)

(Adopted by the Committee of Ministers on 10 September 2015 at the 1234th meeting of the Ministers' Deputies)

[Link to adopted by the Committee of Ministers resolutions](#)

The Committee of Ministers notes:

I. concerning Part V (Old-age benefit), Article 29(2) of the Code, the report states that the legal regulation which will bring the situation concerning the right to a reduced old-age pension after 15 years of insurance in the Czech Republic into conformity with the Code has been finished and is in the regular legislative process. The change should be effective as from 1 January 2015;

II. concerning Part XII (Common provisions), Article 68(g), Suspension of sickness and unemployment benefits, the report states that if an insured person breaches the set medical treatment during temporary incapacity to work, his/her sickness benefit may be reduced or withdrawn for a maximum period of 100 calendar days from the day of the breach, but not longer than until the end of the period of temporary incapacity to work. Furthermore, if the breach occurred in the course of the first 15 (21) days of the temporary incapacity to work, the employer can terminate the employment of the person concerned in accordance with section 52(h) of the Labour Code for gross violation of "other employee's obligations" stipulated in section 301(a) of the Labour Code. The amendment to the Labour Code introduced a new provision of section 301(a) which determines "the other employee's obligations" stipulating that employees are obliged to follow the directions and medical treatment in respect of an obligation to remain at the residence and respect the time and range of leave in accordance with the Health Insurance Act in the course of the first 14 (21) calendar days during temporary incapacity to work. The insured persons dismissed from employment for this reason in the six months before their inclusion in the jobseekers' register do not have the right to unemployment benefit. The Committee of Ministers observed in its Resolution [CM/ResCSS\(2014\)3](#) that these rules may lead to the situation where a sick person, for breaching the set medical treatment during temporary incapacity to work, will be not only deprived of the sickness benefit, but also terminated in employment and denied unemployment benefit, and asked the government to reconsider the cumulative effect of these sanctions in light of the principle of proportionality and the underlying objective of the sickness and unemployment benefits of ensuring income protection during these risks;

In reply, the government contends that there is no cumulative effect of sanctions because the employer can apply only one of the options: either reduce compensatory wage (or not provide it – section 192(5) of the Labour Code) or terminate the employment relationship in case of really gross violation of the medical treatment regime. It is a measure adopted in conformity with Article 68(d) of the Code to discourage people from pretending to be incapable to work and receive compensatory wage from the employer, while at the same time performing undeclared work and, in case of dismissal, drawing unemployment benefit while continuing to perform undeclared work. The Committee of Ministers wishes to point out that, if the intention of the above provisions of the legislation was to fight undeclared work and to prevent fraudulent claims under Article 68(d) of the Code, they should have been drafted in much more limited and precise terms and include specific reference to the offence of performing undeclared work or the fraud committed.

The way these provisions are drafted now is too general and permits to apply sanctions to a variety of situations where the medical treatment prescribed during temporary incapacity to work was breached for reasons which constitute neither fraud, nor criminal offence. For example, a worker's decision to substitute prescribed medical treatment by untraditional medication outside his place of residence could be seen as a breach of "other employee's obligations" and sanctioned first by suspension of payment of the compensatory wage by the employer in the first 21 days, after this by suspension of the sickness benefit for a maximum of 100 days, during which the employer may dismiss the worker under section 52(h) of the Labour Code on the grounds stipulated in section 301(a) with the effect of depriving the worker of the right to unemployment benefit;

III. concerning social security and the reduction of poverty:

a. that in its Resolution [CM/ResCSSS\(2014\)3](#), the Committee of Ministers asked the government to explain the reasons why over 1 million people in the country had, in 2012, income below the poverty line. In reply, the report states that the total poverty rate in the Czech Republic has significantly been influenced by pensions and other social transfers, without which 38.1 per cent of the population would have lived below the poverty line in 2012. This rate dropped to 17.6 per cent after the payment of pensions and to the final 9.6 per cent after other social transfers. The fact that since the beginning of the economic crisis in 2008 this rate has not changed can also be considered as very positive. According to the report, the share of social protection expenses in GDP in the Czech Republic in comparison with other countries is low (in 2011, the rate in the Czech Republic was 20.4 per cent, while the average for the EU28 amounted to 29 per cent), which demonstrates the effectiveness of the social system in the country. The Committee of Ministers notes that the report expresses satisfaction with the performance of the national social system in terms of maintaining poverty in the country at around 10 per cent of the population and does not mention any intention of increasing social protection expenses even if their share in GDP is comparatively low. The Committee of Ministers further notes that the most important share in the structure of the population living in poverty belongs to persons outside of the labour force (30.7 per cent) and to retired persons (21.4 per cent), which rely for their income on pensions and other social transfers. In this respect, the Committee of Ministers is concerned by the fact that, though the old-age pension of the standard beneficiary after 30 years of insurance gives the replacement rate of 48.1 per cent of the net skilled worker's wage, the amount of this pension itself (€347 in 2013) stays below the at-risk-of-poverty threshold defined as 60 per cent of the equivalised median income (€384.70), perpetrating poverty among retired persons;

b. that another reason given in the report as to why over 1 million people continue to live in poverty refers to a common situation when a person concerned does not meet the conditions for entitlement to benefits, either of administrative nature, such as the condition for a permanent residence for housing benefit, or of activating nature, when the entitlement to ongoing benefits depends on the applicant's own efforts or means to solve the situation of material need by, for example, the proper assertion of claims and debts, sale of assets, etc. A person "able to work" is required to work or to be registered as a jobseeker at the Employment Office or make their own efforts to find work, while people who do not fulfil these legal conditions are not entitled to draw benefits. Eventual increase of the amounts of benefits or the determination of more open income criteria would not change or solve this situation, concludes the report. The Committee of Ministers agrees with the government that legal conditions for entitlement to benefits should be fulfilled and that non-fulfilment of these conditions by certain categories of the population might partly explain why the rate of poverty in the country has been "frozen" at around 10 per cent. The Committee of Ministers observes however that, according to the logic of the Code, the conditions of entitlement to benefits should not be set in such a way as to exclude from the right to benefits

a large number of potential beneficiaries. Access to the minimum benefits guaranteed by the Code shall not be subject to conditions of entitlement and rules of suspension other than the minimum authorised by the Code. By way of example, the Committee of Ministers would like to refer to its comments under Part XII of the Code above;

c. that one more reason mentioned in the report as to why the existing social benefits cannot elevate the entire population above the poverty line is the fact that a certain segment of the population does not draw social benefits (no take-up) either due to a personal decision not to apply for social benefits or due to the low financial literacy, poor knowledge of the social protection system and its functioning, due to the life on the edge accepted voluntarily or forcibly, or due to extreme social exclusion. The current government will focus primarily on the area of social work that can help individuals and households to solve their special needs and problems. Adoption of measures aimed at greater professionalisation of social work, increasing the performance in the field of social work of municipalities, have been included in the National Reform Programme and Strategy for Social Inclusion, which emphasises social work as a basic tool;

d. that, according to the 11th annual report on the Code, benefits based on income (child allowance, child birth grant, housing benefit, increase of care benefit) or based on the assessment of income and overall social and material situation (benefits of assistance in material need) are connected to the living and subsistence minimums regulated by Act No. 110/2006 Coll. on living and subsistence minimum. The Committee of Ministers notes that the subsistence minimum is set at the level three times lower than the at-risk-of-poverty threshold calculated at 40 per cent of the equivalised median income and the living minimum – nearly two times lower. The minimum amounts of unemployment benefit, maternity benefit, invalidity benefit, minimum pension, widow's pension and some others are also set below this level, while the minimum wage in the country (€327.20 in 2013) is set below the at-risk-of-poverty threshold of 60 per cent of equivalised median income;

IV. concerning Part XI (Standards to be complied with by periodical payments), Reference wage, that the above-mentioned “Technical note” has been transmitted to the government which sets out and calculates for the Czech Republic all the options allowed by the Code for determining the reference wage for calculating the replacement level of benefits on the same time basis (2010) for which complete and comparable Eurostat data are available;

Finds that the law and practice in the Czech Republic continue to give full effect to the Parts of the Code that have been accepted, subject to re-establishing the right to a reduced old-age pension after 15 years of insurance (Part V);

Decides to invite the Government of the Czech Republic:

I. concerning Part V (Old-age benefit), Article 29(2) of the Code, to report on the adoption of the above-mentioned legislative change in its next report;

II. concerning Part XII (Common provisions), Article 68(g), Suspension of sickness and unemployment benefit, as the said sanctions are considered excessive if applied in cases covered by Article 68(g) of the Code, where the person concerned neglects to make use of the medical or rehabilitation services placed at his/her disposal, to reconsider the situation in the light of the above comments;

III. concerning social security and the reduction of poverty:

- a. to indicate, in its next report, whether the Czech Republic has established any national targets for reducing poverty among the above-mentioned and other categories of the population and whether any supplementary resources are going to be allocated for their achievement;
- b. to examine in its next report the legal conditions of entitlement to benefits under each accepted Part of the Code from the point of view of facilitating access to the minimum benefits guaranteed by the Code;
- c. recalling that, by virtue of Article 71(2) of the Code, the government carries the general responsibility for the proper administration of the social security institutions and services, to specify in its next report the results achieved by the National Reform Programme and Strategy for Social Inclusion in terms of facilitating the take-up of benefits and reducing poverty;
- d. to explain, in its next report, the design of the system of minimum income and benefits in the Czech Republic, assess the effectiveness of the minimum guarantees in fighting poverty and compare them to various European income and poverty indicators. In doing so, the government may wish to refer to the infographs in the above-mentioned "Technical note" which has been transmitted to the government, and update the statistical and legal information on which they are based. The government is asked to also indicate the measures taken or contemplated to raise to the 'at-risk-of-poverty' threshold, the level of social assistance to one-person households without earned income and unemployment benefit;

IV. concerning Part XI (Standards to be complied with by periodical payments), Reference wage, to review and update the statistics used in the above-mentioned "Technical note", which sets out and calculates for the Czech Republic all the options allowed by the Code for determining the reference wage for calculating the replacement level of benefits on the same time basis (2010) for which complete and comparable Eurostat data are available.

CEACR 2015 Conclusions on the application of the European Code of Social Security and its Protocol by the Czech Republic

As a result of its examination, the Committee finds that the law and practice in the Czech Republic continue to give full effect to the Parts of the Code that have been accepted, subject to receiving detailed explanations concerning the application of *Articles 29(2) and 68(g)* of the Code.

Part II (Medical care), Article 10(3) of the Code read in conjunction with Articles 70 and 71. The Committee notes that the European Council (EC) country-specific recommendation of 14 July 2015 concerning the 2015 National Reform Programme of the Czech Republic states that "(8) ... The Czech Republic still faces challenges with respect to long-term fiscal sustainability, largely due to projected increases in pension and healthcare expenditure... Although some measures have been taken to improve the cost efficiency and governance of the healthcare sector, limited progress has been made in this area. Indicators used to measure the performance of the hospital sector show that medical treatment is not always delivered in a cost-efficient way, while the allocation of resources is hampered by ongoing difficulties in rolling out a reimbursement system for costs incurred by hospitals. There are also signs that general practitioners are not adequately fulfilling their role as gate-keepers." ***Noting that the EC recommendation to achieve a fiscal adjustment of 0.5 per cent of GDP in 2016 should be largely fulfilled by improving the cost-effectiveness and governance of the healthcare sector, the Committee would like the Government to explain the indicators used to measure the quality and effectiveness of the medical care inside and outside hospitals, including care provided by general practitioners, in terms of maintaining, restoring or improving the health of the population (Article 10 of the Code). As to what concerns the governance of the healthcare sector, please explain the measures taken to control current expenditures of the sector in a manner which avoids***

hardship to persons of small means, ensures its long-term financial sustainability and strengthens participatory management of the institutions and services concerned (Articles 70 and 71 of the Code).

Part V (Old-age benefit), Article 26(2). Pension age. The report indicates that the statutory retirement age is gradually rising: for men – two months per year and for women – four months per year, so that there will be a uniform age limit of 67 for insured men and women born in 1977. The increase of the retirement age will continue also after this unification by two months per year. In 2015, the retirement age is 62 years and 10 months for men, 62 years for childless women, 61 years for women who have raised one child, 60 years for women who have raised two children, 59 years for women who have raised three or four children and 58 years for women who have raised five or more children. ***Taking into account the unification of the retirement age for both sexes, the Committee asks the Government to specify what retirement age is fixed for men who have raised the same number of children and what other factors are taken into account in setting lower age of retirement for particular categories of workers. Please indicate the time schedule for the progressive increase of the retirement ages for men and women up to 67 years.***

Article 29(2) of the Code. The report states that old-age pension is provided to an insured individual who had fulfilled the qualification period of at least 25 years in 2009 in accordance with the Pension Insurance Act; this period is gradually increasing by one year from 2010, and the target period of 35 years of insurance will apply for insured individuals who reach retirement age after 2018. The entitlement to an old-age pension also applies to an insured individual who reaches retirement age and achieves an insurance period of at least 30 years (only the period of employment without any non-contributory periods). The Ministry of Labour and Social Affairs was aware of the need for reinstating the right to a reduced old-age pension after 15 years of insurance to make the Czech law compatible with *Article 29(2)* of the Code. Relevant legal regulation was adopted in 2014 and came into effect in 1 January 2015 (Act No. 267/2014 Coll.) and gives the entitlement to an old-age pension to an insured person after 15 years of insurance with effectively paid contributions at reaching the age of five years higher than the retirement age of a man with the same birth date. Legislation also applies to insured persons of the same age and 15 years of pension insurance reached before 1 January 2015 (i.e. in the period from 2010 to 2014); in that case, they became entitled to the old-age pension on the day of fulfilment of these conditions. The Committee understands from these explanations that, after 1 January 2015, workers who have acquired the right under *Article 29(2)(a)* of the Code to a reduced old-age pension at the statutory pension age having completed a qualifying period of 15 years of contributions, will receive their pension under the new regulation only when reaching the age of five years higher than the statutory pension age. ***As the Code does not permit to establish for the entitlement to a reduced pension, an age different from the statutory pension age, the Government is asked to explain how the right to a reduced pension ensured for the persons protected under Part V of the Code who have completed 15 years of contributions at the statutory pension age referred to under Article 26(2) above.***

Part IX (Invalidity benefit), Article 58. The report states that the disability pension is paid throughout the entire period of disability up to the age of 65, when it is transformed into an old-age pension at the same level, with an option to request a determination of the old-age pension amount under the general rules. ***The Committee asks the Government to show in concrete examples in which situation it will be more advantageous to the disabled person to have his disability pension converted into an old-age pension under the general rules.*** The Committee notes, from the 2015 concluding observations of the United Nations Committee on the Rights of

Persons with Disabilities, that “a number of disability pension beneficiaries are at risk of being denied access to retirement pensions as the period during which they receive a disability pension is not included in the insurance period”, and that the newly established method of calculating the relevant period from the beginning of disability until the entitlement to retirement pensions has resulted in the amount of the pensions received by persons with disabilities at the third level being below the minimum subsistence level. ***The Committee asks the Government to include in its next report detailed calculations under Article 65 of the Code showing the amounts of the invalidity pension and the subsequent old-age pension which would receive the standard beneficiary (Article 65(5) of the Code) with prescribed levels of disability.***

Part XII (Common provisions), Article 68(g). Suspension of sickness and unemployment benefits. The Committee recalls that section 301(a) of the Labour Code stipulates that employees are obliged to follow the medical directions in respect of an obligation to remain at their residence and respect the time and range of permitted leaves in accordance with the Health Insurance Act in the course of the first 14 calendar days during temporary incapacity to work. The employer is entitled to check how these two obligations are complied with and impose a sanction when breached (section 192, subsection 6 of the Labour Code). The employer can terminate the employment of the person concerned in accordance with section 52(h) of the Labour Code for gross violation of the employee’s obligations stipulated in section 301(a). The insured persons dismissed from employment for this reason in the six months before their inclusion in the jobseekers’ register do not have the right to unemployment benefit. The Committee observed in its previous conclusions that these rules may lead to the situation where a sick person, for breaching the set medical treatment during temporary incapacity to work, will be not only deprived of the sickness benefit, but also terminated in employment and denied unemployment benefit, and asked the Government to reconsider the cumulative effect of these sanctions in light of the principle of proportionality and the underlying objective of the sickness and unemployment benefits of ensuring income protection during these risks. In reply, the Government states that if an employee during temporary incapacity for work stays at the place of residence, which may be changed in agreement with the physician, and respects the time of leaves, there can be no breach of the obligations imposed by section 301(a) of the Labour Code and no penalties from the employer. The employer may dismiss an employee only if he/she breached any such obligation grossly (section 52(h) of the Labour Code); in case of lower intensity of violation of obligation, the employee cannot be dismissed. In the event the employee is given notice under section 52(h), wage compensation for temporary incapacity cannot be reduced. The employer can apply only one of the options: either reduce compensatory wage (or not provide it – section 192(5) of the Labour Code) or terminate the employment relationship in case of really gross violation of the medical treatment regime. The double punishment by the employer of his employee, who would lose both his job and the wage compensation for sickness, thus cannot occur.

The Committee understands from this explanation that for having grossly breached the obligation to stay at home in case of sickness, respect leave from work periods and follow the prescribed medical treatment the employee could be sanctioned by the employer during the first 14 days of temporary incapacity to work on the basis of the abovementioned provisions of the Labour Code by (1) either not paying him compensatory wage fully or partially at the employer’s discretion, or (2) by lawfully dismissing him with full payment of the compensatory wage for this period of temporary incapacity. With respect to the first option, the Committee points out that the Code does not permit the employer of the person protected to withhold or reduce any payment, such as the compensatory wage, deemed to constitute sickness benefit for the purpose of application of Part III of the Code. More generally, the Code does not permit the employers to impose sanctions with regard to any social security benefit provided in compliance with the Code.

With respect to the second option, the Code does not permit the dismissal of an insured person for the breach of social security rules, even a gross one, expressly limiting the sanctions mentioned in its *Article 68* to partial suspension of the benefit concerned. More generally, *Article 68* of the Code protects social security benefits from additional sanctions for other types of offences, which may be imposed on the workers' entitlements by the legal regulations from outside the social security system, including in the Labour Code. Moreover, the types of offences for which sanctions may be imposed on the social security benefits are limited to cases where the gross breach of obligations by the employee has also been the direct cause of the contingency in question and has been qualified as fraudulent, wilful or criminal in nature. The Committee observes that the regime of sanctions imposed under section 301(a) of the Labour Code to enforce the obligations of employees during temporary incapacity to work contained in the Health Insurance Act goes beyond the enforcement measures foreseen by the Code. The Committee further observes that the report does not take into account subsequent sanctions applied to the dismissed employee after the 14 days of temporary incapacity paid by the employer have elapsed. From the explanations given in the report, it appears that the dismissed employee will see his/her sickness benefit reduced or withdrawn for a maximum period of 100 calendar days from the day of the breach of section 301(a) obligations, and will have to wait six months without any benefits from the social security system before applying for inclusion in the jobseekers' register and the unemployment benefit. ***The Committee asks the Government to confirm that, notwithstanding the above explanations, it is indeed the set of sanctions it considers appropriate to impose under Article 68(g) of the Code in cases where the person concerned neglects to make use of the medical or rehabilitation services placed at his/her disposal or fails to comply with residence or leave rules during temporary incapacity to work.***

Part XI (Standards to be complied with by periodical payments). Adequacy of social security benefits. The Committee notes the general information supplied in the report in relation to the significant progress achieved in reducing poverty and social exclusion in the Czech Republic in the last two years. It also notes the 2013 concluding observations of the United Nations Committee on Economic, Social and Cultural Rights on the application by the Czech Republic of Article 9 of the ICESCR establishing the human right of social security. The United Nations Committee expressed concern at the cuts to social security benefits introduced by the State party under its austerity measures programme and the low amounts of social allowances that are not in line with article 9 of the Covenant. The United Nations Committee was further concerned that the protection for persons whose benefits have been discontinued is based on a material-needs approach with stringent qualifying conditions, and that the adequacy of the measures has been assessed primarily through aggregated statistical data, which do not provide a clear indication of the effects of the cuts on vulnerable groups. ***With reference to its previous conclusions on the Code raising similar issues, the Committee of Experts wishes to once again ask the Government to supply more concrete information on the design of the minimum benefits in terms of the conditions of entitlement, effective coverage, number of recipients and amounts payable under each accepted Part of the Code.*** In view of the variety of ways in which social security and statutory social assistance are used to prevent or reduce poverty and the complexity of indicators used to assess the adequacy of benefits, the Committee requested the ILO to summarize the relevant information in the country technical notes attached to its conclusions. ***The Committee invites the Government to update and supplement the statistical information in the 2015 technical note in its next detailed report, which shall also include for the same time basis (see Article 65(4) of the Code) updated statistics on social security coverage, amount of the reference wage and calculations of the replacement rate of benefits.*** The Committee will examine the question of the adequacy of social security benefits under accepted Parts of the Code on the basis of this comprehensive information.

Adjustment of benefits to the cost of living. The Committee notes from the European Council country specific recommendation of 14 July 2015 that “there has been some improvement in the outlook for the pension system as a result of more favourable demographic projections. The statutory retirement age is legislated to gradually increase, but the change programmed for the medium term is too slow. Changes to the current system of pension indexation are currently being discussed but no measures have yet been adopted.” ***The Committee asks the Government to explain its policy of maintaining the purchasing power of the long-term benefits in payment, as well as giving the pensioners a fair share of the growth of the national economy. Please include in the next detailed report full statistics on the adjustment of benefits under Parts V, IX and X for the period 2011–16 requested in the Report Form on the Code under Title VI of Article 65.***

Article 74. Next detailed report on the Code. (See above under Chapter III)

3. ILO Conventions

Social Security (Minimum Standards) Convention, 1952 (No. 102)

Direct Request - adopted 2011, published 101st ILC session (2012)

[Link to pending comments by the ILO supervisory bodies, NORMLEX](#)

Part VIII (Maternity benefit) in relation to Article 69 of the Convention. The Committee notes from the Government's ninth report on the application of the European Code of Social Security that the maternity benefit is provided for a period of 28 weeks but is not paid out:

- -to the mother of a child throughout the period, during which the mother has an agreement with the father of the child or the mother's husband as to the fact that said individual will assume the care of the child and as such the insured individual, with whom the mother of the child has concluded said agreement, is entitled to receive the maternity benefit;
- -to an insured individual throughout the period, during which said individual is unable to or not permitted to care for the child due to a serious long-term illness, due to which said individual has entered into temporary incapacity for work and because of which the child has been taken into the care of a different physical entity or legal entity;
- -throughout the period, in which the insured individual does not take care of a newborn child and the child is therefore assigned to foster care or to institutional care;
- -to an insured individual throughout the period, in which the child was in institutional care for reasons other than medical grounds on the part of the child or the insured individual.

The Committee observes that in the social security law the above cases of the suspension of benefit are usually applied with respect to the childcare benefit granted to the insured person who actually cares for the child, and not to the maternity benefit, which is granted to the mother herself to maintain her income during the minimum period necessary for restoring or improving her health in connection with the pregnancy and confinement. As defined in *Article 47* of the Convention, the maternity benefit is not conditional upon caring for the child. It should be paid out at least for the period of 12 weeks before and after confinement even if the child is stillborn or dies soon after birth, and is not transmissible to the father or any other carer. ***In the light of these explanations and taking into account that maternity benefit in the Czech Republic is provided for a much longer period, the Committee wishes the Government to assess the compatibility of the abovementioned provisions with the grounds for the suspension of the maternity benefit allowed by Article 69 of the Convention.***

Part IX (Invalidity benefit), Article 54. The Committee notes the observation of the Czech–Moravian Confederation of Trade Unions (CMKOS) as well as the Government's reply to it included in the report. The CMKOS emphasized in particular that the recent changes in the definition of invalidity were driven by an effort to reduce the number of beneficiaries in order to make savings at any cost. ***The Committee would like the Government to explain in its next report, by reference to the corresponding provisions of the legislation, what changes were made in the definition of invalidity and what reasons were advanced for introducing them into the national legislation. Please provide statistics comparing the number of new entrants into the invalidity scheme by category in the years before and after the change in the definition and assessment of the level of invalidity, as well as the total expenses encountered by the scheme on provision of invalidity benefits.***

Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No.128) - Direct Request - adopted 2013, published 103rd ILC session (2014) Part III (Old-age benefit)

[Link to the pending comments by the ILO supervisory bodies, NORMLEX](#)

Part III (Old-age benefit). Article 15(3) of the Convention. Reduction of pension age for persons engaged in arduous or unhealthy occupations. The Committee notes the concerns expressed by the Czech–Moravian Confederation of Trade Unions (CM KOS) that while providing for the gradual increase of the statutory retirement age beyond 65 years, Czech legislation does not contain provisions giving effect to Article 15(3) of the Convention, which requires lowering of the age limit for persons who have been engaged in occupations that are deemed by national legislation to be arduous or unhealthy. In reply, the Government states that the Czech legislation currently in force does not deem any occupation to be arduous or unhealthy and, consequently, there is nobody who might benefit from lowering of the retirement age. To ascertain that the current Czech legislation complies with the Convention, the Government asks for clarification of the meaning of Article 15(3).

The Committee recalls that Article 15(3) is applicable to pension schemes where the retirement age is 65 or higher, while in the Czech Republic in 2012 the retirement age is 62 years and six months for men, 61 years and four months for childless women and lower ages for women who have raised children. This age will be gradually increased to attain a uniform age limit of 67 for insured men and women born in 1977 who will retire in 2044. In the meantime, the Government may wish to consider, in consultation with the social partners, the experience of other European countries, the legislation of which recognize the need, as does the Convention, to reduce the retirement age in arduous or unhealthy occupations.

Article 18(2). Payment of a reduced pension. In reply to the Committee's previous comment concerning the need to restore the right to a reduced old-age pension for insured persons who on reaching the statutory retirement age have completed an insurance period of only 15 years, the report states that the Ministry of Labour and Social Affairs intends to make such a change in the current legislation in order to ensure that the Czech Republic again complies with this provision of the Convention. ***The Committee hopes that the necessary changes will be introduced by the Government in the very near future and reported as soon as they are adopted.***

Part VI (Common provisions). Article 35(1). General responsibility of the State for the due provision of the benefits. The Committee notes the concerns expressed by the CM KOS about the possible future negative impact on the application of the Convention of the pension reform carried out by the Government, as well as the detailed explanations and statistics given by the latter in this respect.

Medical Care and Sickness Benefits Convention, 1969 (No.130) -

Direct Request (CEACR) - adopted **2011**, published 101st ILC session (2012)

[Link to pending comments by the ILO supervisory bodies, NORMLEX](#)

Article 26(1) of the Convention. Duration of sickness benefit. The Committee understands from the Government's report that sickness benefit is provided up to a maximum of 380 calendar days from the beginning of the temporary inability to work. In case of a new temporary inability to work, the previous period of sickness is counted in the period of 380 days; it is not counted however, if the two cases of sickness are separated by a period of the insured activity of at least 190 calendar days. ***The Committee invites the Government to explain how these rules are consistent with Article 26(1) of the Convention, which requires provision of benefit for not less than 52 weeks (365 days) in each case of incapacity, and to indicate whether persons having exhausted their rights under sickness insurance are eligible for disability benefits or social assistance.***

4. EU Country-Specific Recommendations: 2015

(the numeration of comments is kept in accordance to the original)

The European Union has set up a yearly cycle of economic policy coordination called the European Semester in 2010. Under the European Semester, the European Commission was given a mandate by Member States to check whether they take action on reform commitments they have made at EU level. The European Semester starts when the Commission adopts its Annual Growth Survey which sets out EU priorities to boost job creation and growth for the next year.

Each year, the Commission undertakes a detailed analysis of EU Member States' plans of budgetary, macroeconomic and structural reforms and provides them with the country-specific recommendations basing its decision on the submitted by each country National Reform Programme and Stability Programme. These recommendations provide tailor-made policy advice to Member States in areas deemed as priorities for the next 12-18 months. The European Council endorses the recommendations after the discussion.

Where recommendations are not acted on within the given time-frame, policy warnings can be issued. There is also the option of enforcement through incentives and sanctions in the case of excessive macroeconomic and budgetary imbalances.

Council Recommendation of 14 July 2015 on the 2015 National Reform Programme of the Czech Republic and delivering a Council opinion on the 2015 Convergence Programme of the Czech Republic (2015/C 272/09), (18.08.2015, C 272/32, *Official Journal of the European Union*).

[Official Website of the European Commission](#)

(8) ... The Czech Republic still faces challenges with respect to long-term fiscal sustainability, largely due to projected increases in pension and healthcare expenditure. There has been some improvement in the outlook for the pension system as a result of more favourable demographic projections. The statutory retirement age is legislated to gradually increase, but the change programmed for the medium term is too slow. Changes to the current system of pension indexation are currently being discussed but no measures have yet been adopted. Although some measures have been taken to improve the cost efficiency and governance of the healthcare sector, limited progress has been made in this area. Indicators used to measure the performance of the hospital sector show that medical treatment is not always delivered in a cost-efficient way, while the allocation of resources is hampered by ongoing difficulties in rolling out a reimbursement system for costs incurred by hospitals. There are also signs that general practitioners are not adequately fulfilling their role as gate-keepers. Public procurement in the healthcare sector suffers from a high incidence of irregularities, suggesting insufficient guidance and supervision.

(9) The main challenges in the area of taxation are to reduce tax evasion and to make tax collection less costly and less time-consuming, both for taxpayers and for the authorities. The Czech Republic has identified tax compliance and the fight against tax evasion as priorities, and is taking a number of steps in these areas. Several measures were introduced in 2015, relating to both direct and indirect taxes, and further measures are planned for 2016. The cost of compliance is still, however, too high. Standardising the tax bases for personal income tax, social security and health contributions would help to simplify the tax system, but this change has not been brought in, and there are currently no plans to tackle this issue. Work on simplifying tax returns and

increasing the use of pre-filled forms is not being carried out in a systematic way. Rather than simplifying the VAT system, the Czech Republic introduced a third VAT rate in 2014. Limited progress has been made in reducing the discrepancies in the tax treatment of employees and the self-employed. Tax revenue in the Czech Republic still relies heavily on the taxation of labour, and low-income workers, particularly those without children, face a relatively high labour tax burden. Measures entering into force in 2015 somewhat reduce labour taxation for specific groups, but will have a limited impact overall. Property and environmental taxes (except fuel) remain low, indicating potential scope for shifting tax away from labour.

(12) The overall level of employment is currently high, but certain disadvantaged groups remain underrepresented in the labour market. These include parents with young children, low-skilled workers, people with disabilities and Roma. Some steps have been taken towards strengthening the efficiency and effectiveness of public employment services. The level of employment among young people is increasing, and public employment services try to target their services towards young people in particular. The lack of affordable and quality childcare services and the limited use of flexible working-time arrangements make it difficult for women with children to participate in the labour market. Steps have been taken towards increasing the availability of childcare but policies supporting public childcare for the youngest children are still insufficient.

HEREBY RECOMMENDS that the Czech Republic take action in 2015 and 2016 to:

1. Achieve a fiscal adjustment of 0,5 % of GDP in 2016. Further improve the cost-effectiveness and governance of the healthcare sector.
2. Fight tax evasion, simplify the tax system and implement the anti-corruption plan. Take measures to increase the transparency and efficiency of public procurement, in particular by establishing a central register of public contracts and strengthening guidance and supervision.
3. Reduce the high level of taxation levied on low-income earners, by shifting taxation to other areas. Further improve the availability of affordable childcare.