



ombudsman

Public Defender of Rights

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Submission to the European Committee of Social Rights on the Czech Republic's Compliance with Selected Articles of the European Social Charter



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Introduction

The Ombudsman¹² is independent and impartial. They are accountable to the Chamber of Deputies of Parliament, which elected them to the role. The Ombudsman has one elected deputy, to whom they may delegate part of their responsibilities.

The Ombudsman:

- **monitors and promotes the protection of fundamental rights and freedoms,**
- reviews the conduct of public authorities,
- protects people from ill-treatment in institutional settings through regular, systematic visits,
- assists victims of discrimination and upholds the right to equal treatment,
- oversees the deportation of foreign nationals from the Czech Republic,
- monitors and promotes compliance with the rights of persons with disabilities, and
- assists EU citizens who face discrimination on grounds of nationality, thereby upholding the right to free movement within the European Union.

This document is based on the insights and experience gained by the Public Defender of Rights in the course of their duties. It provides an independent opinion on selected provisions of three articles of the European Social Charter, based on the Public Defender of Rights' findings and insights. The document also provides recommendations for areas identified by the Public Defender of Rights as needing improvement.

¹ Pursuant to Act No. 349/1999 Coll., on the Public Defender of Rights and the Defender of Children's Rights.

² On June 18, 2026, Public Defender of Rights Ms Eva Kostolanská took the oath of office and thereby assumed her position. Her predecessor Mr Stanislav Křeček served in the position until June 18, 2026. Unless otherwise expressly stated in this report, the activities of the predecessor of the Public Defender of Rights refer to those of Mr Stanislav Křeček.



The right to safe and healthy working conditions (art. 3 para. 1)

1. Current Czech legislation governing occupational safety and health is primarily contained in Act No. 262/2006 Coll., the Labour Code (hereinafter the “Labour Code”), together with related regulations. These legal instruments impose safety and health obligations on employers within the framework of employment relationships. As a result, **work performed outside the scope of employment relationships lacks adequate protection**. This is equally true for so-called platform work, as the conditions under which such work is performed are not regulated by the Czech legal system. Consequently, the Labour Code and related regulations, along with the protections they afford to employees, do not apply to individuals engaged in platform work. Furthermore, **there is no requirement for the mandatory registration of digital platforms; thus, the state lacks a comprehensive overview of which digital platforms (employers) operate within its territory or the number of workers they engage**.
2. The obligation to close the legal gap was introduced by the Directive.³ The Directive entered into force on December 1, 2024, and EU Member States must transpose it into national law no later than December 2, 2026. The Directive aims to establish the legal status of platform workers and thereby improve their protection, enhance the transparency of platform work, including by making relevant information about it available, and, last but not least, introduce transparency, fairness, accountability, and human oversight of algorithmic decision-making.
3. The Czech Republic has already prepared the transposition of the Directive into Czech law (hereinafter “draft Platform Work Act”).⁴ A comment procedure has taken place regarding the draft Platform Work Act and amendments to related laws, which are intended to transpose the Directive. My predecessor also participated in this comment procedure and commented⁵ on several points of the proposed bill. I agree with these comments. In my opinion, **as currently drafted, the bill will not fulfil the objectives of the Directive, particularly the requirement to introduce adequate protection (including occupational safety and health) for platform workers**.

³ Directive (EU) 2024/2831 of the European Parliament and of the Council of October 23, 2024, on improving working conditions for platform workers

⁴ Ministry of Labour and Social Affairs. Draft Act on Platform Work and on Amendments to Related Acts (Act on Platform Work). Submitter’s ref. no.: MPSV-2025/213059-521. Draft for public comment. Online. Office of the Government of the Czech Republic, March 26, 2026. Available at: <https://odok.gov.cz/portál/veklep/material/KORNDSJJKRYG/> [accessed June 15, 2026].

⁵ Comments by the Public Defender of Rights dated April 23, 2026, Ref. No. 20659/2026/S, eso.ochrance.cz



4. The Directive sets out requirements for regulating the conditions of platform work, a specific segment of the labour market. Its primary aim is to protect platform workers, a form of protection that has been lacking not only in Czech law. The Directive does not require member states to make fundamental changes to existing regulations governing labour relations. Nevertheless, the proposed legislation is moving in that direction.
5. The draft Platform Work Act introduces significant changes to other laws that generally regulate the performance and oversight of dependent work in labour-law relationships. Above all, however, the proposed amendment to the Labour Code, resulting from the implementation of the Directive, will have a profound impact on the entire labour market. The draft Platform Work Act interferes with the existing clear definition of dependent work in the Labour Code and blurs the line between the performing of dependent work within an employment relationship and self-employment. Yet it is precisely this distinction that is crucial in terms of the scope of labour law protections (e.g., minimum wage, wages paid on scheduled paydays, rest periods, vacation entitlement, fixed working hours, sick pay, social security, etc.). **Blurring this line can lead to the extension of a model in which the party providing the work prioritises economic advantages and “hires” workers as self-employed individuals, even though they are indisputably performing work that bears the signs of dependent employment and should therefore enjoy adequate protection.** This phenomenon is already significant in the platform economy today. Most workers on digital platforms are classified as self-employed, although platforms effectively determine the conditions of work, compensation, and access to jobs.
6. I believe **the draft law on platform work could expand the scope for performing work outside of protected employment relationships.** I cannot consider its impacts to be neutral. On the contrary, **there is a real risk of deepening labour market segmentation, weakening worker protections, and negatively impacting on gender equality and other vulnerable groups.** As part of the comment procedure, my predecessor proposed revising the sections of the explanatory memorandum concerning social impacts and impacts on gender equality so that they reflect the aforementioned risks, and adding a specific analysis of the impacts on vulnerable groups (particularly women, migrants, and individuals in a vulnerable position in the labour market).⁶
7. Widespread dissatisfaction resonates in both the media and professional circles among many entities that participated in the comment procedure and have significant reservations about how the Directive has been transposed, including,

⁶ Comments by the Public Defender of Rights dated April 23, 2026, Ref. No. 20659/2026/S, eso.ochrance.cz



for example, the Czech-Moravian Confederation of Trade Unions.⁷ Although the comment procedure has already been concluded, the essential comments submitted by my predecessor were not accepted. Given this outcome of the comment procedure, I have serious concerns about whether the legislation as currently drafted can genuinely improve the protection of workers in practice, and whether, given these persistent contradictions, the Czech Republic will be able to transpose the Directive at all by the mandatory deadline of December 2, 2026.

Recommendation

- (1) Consistently transpose the Directive on improving working conditions for work carried out through platforms.

⁷ Czech-Moravian Confederation of Trade Unions. *Fair Work Requires Clear Rules: ČMKOS Publishes Statements on Transparent Remuneration and Platform Work*. Online. ČMKOS. June 8, 2026. Available at: <https://www.cmkos.cz/23828/ferova-prace-potrebuje-jasna-pravidla-cmkos-zverejnuje-stanoviska-k-transparentnimu-odmenovani-a-platfornove-praci/> [accessed June 15, 2026].



The right to a fair remuneration (art. 4 para. 3)

8. **The gender pay gap (GPG) in the Czech Republic is one of the highest in the European Union, and efforts to reduce it have long been unsuccessful.**⁸ The causes of this situation are briefly summarised in the 21st National Report on the Implementation of the European Social Charter, submitted to the Committee by the Government of the Czech Republic.
9. **One of these causes is a lack of transparency in salaries and wages.** As early as 2018, the previous Public Defender of Rights recommended that the Chamber of Deputies of Parliament adopt measures to increase transparency in compensation.⁹ Unfortunately, this recommendation was not heard at the time. The Czech Republic is only now preparing legislation to increase transparency in remuneration in connection with the transposition of the European Directive on transparency in remuneration.¹⁰
10. The legislative proposal¹¹, which is intended to transpose this Directive into national law, is currently undergoing a comment procedure. My predecessor also participated in this comment procedure and commented (among other things) on the proposed method of transposing Article 5(1) of this Directive.¹² I agree with these comments. According to this article, an employer must provide a job applicant with information about the starting salary or salary range in a manner that ensures informed and transparent compensation negotiations, for example, in a published job posting, prior to the job interview, or by other means.
11. **The current draft amendment to the Labour Code, which is intended to transpose this provision into national law, states, however, that it is sufficient for the employer to demonstrably provide this information to the job applicant only before the employment contract is signed. I am convinced that this**

⁸ The temporary decline in the GPG in the Czech Republic between 2020 and 2021 was most likely caused by the impact of the COVID-19 pandemic on the labour market and the related emergency measures.

⁹ Public Defender of Rights – Ombudsman. 2018 Annual Report. Online. Available at: https://www.ochrance.cz/dokument/2018/Vyrocní_zpráva_2018.pdf, p. 14.

¹⁰ Directive (EU) 2023/970 of the European Parliament and of the Council of May 10, 2023, on strengthening the application of the principle of equal pay for men and women for equal work or work of equal value through pay transparency and enforcement mechanisms.

¹¹ Ministry of Labour and Social Affairs. Draft Act Amending Act No. 262/2006 Coll., the Labour Code, as amended, and Certain Other Acts. Submitter's Ref. No.: MPSV-2026/44575-522/1. Version for public comment. Online. Office of the Government of the Czech Republic, April 28, 2026. Available at: <https://odok.gov.cz/portal/veklep/material/KORNDSJHRRGS/> [accessed June 15, 2026].

¹² Comments by the Public Defender of Rights dated April 23, 2026, Ref. No. 20392/2026/S, eso.ochrance.cz



approach is not in accordance with the directive and does not guarantee transparency about the compensation amount, because at the time the contract is to be signed, the employer already knows whether the job applicant is a woman or a man. The legal framework would therefore continue to allow employers to offer different starting salaries to women and men. During the comment procedure, I therefore propose that employers should be required to disclose the starting salary or its range in the job posting itself.

12. The comment procedure has not yet been concluded, and the relevant bill has not yet been submitted to Parliament for debate. It is unclear what form the legislation will ultimately take. In any case, it is already clear that the Czech Republic was not able to transpose the Directive on Transparency in Remuneration by the established deadline of June 7, 2026.
13. **The issue of equal pay is also related to the legal provisions governing overtime for employees with shorter working hours.** For these employees, only work exceeding the specified weekly working hours is considered overtime.¹³ Part-time employees are therefore not entitled to overtime pay for work performed beyond their agreed-upon work schedule until they reach the standard weekly working hours for a full-time employee.
14. As part of the comment procedure, my predecessor submitted a comment¹⁴, beyond the scope of the legislative proposal, calling for an amendment to this legal provision. I agree with this comment. The comment refers to the case law of the Court of Justice of the European Union, in particular the judgment in Case C-660/20, Lufthansa CityLine, and Joined Cases C-184/22 and C-185/22, KfH Kuratorium für Dialyse und Nierentransplantation. **The current legal framework disadvantages employees with shorter working hours, many of whom are caregivers for young children, especially women.** The comment therefore highlights the potential negative impacts of the current legal framework on equal pay for women and men. However, this fundamental comment was not accepted, arguing that the request went beyond the scope of the proposed bill.

Recommendations

- (2) Consistently transpose the Directive on pay transparency, including Article 5(1).
- (3) Bring the legal provisions governing overtime for part-time employees into line with the case law of the Court of Justice of the European Union and ensure that

¹³ Section 78(1)(i) of the Labour Code

¹⁴ Comments by the Public Defender of Rights dated April 23, 2026, Ref. No. 20659/2026/S, eso.ochrance.cz



part-time employees are not disadvantaged in terms of remuneration for work performed beyond the scope of their agreed working hours.



The right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex (art. 20)

15. The law prohibits unequal treatment based on sex in employment and in access to employment. In reality, however, significant inequalities persist in this area, and efforts to reduce them have long been unsuccessful.
16. **The employment rate for women with children under the age of six in the Czech Republic is only 42%, even though the overall employment rate in the population is 82%.¹⁵** Research shows that mothers of young children want to work but lack the necessary conditions to do so—particularly access to childcare and part-time and flexible work arrangements.¹⁶
17. **Employment discrimination related to parenthood is one of the most frequently cited issues in discrimination complaints that women bring to my attention.** In particular, there are recurring complaints of discrimination in hiring, in termination of employment related to maternity, or upon returning to work after maternity and parental leave.
18. In 2023, my predecessor conducted a study¹⁷, to determine how common these situations are in practice. Among other things, he found that:
 - 61% of women were asked prohibited questions during job interviews (e.g., about the number and ages of their children);
 - only 30% of women return to their original employer after maternity and parental leave, most often because they are unable to balance this job with childcare;
 - one in six women has experienced termination of employment by their employer due to pregnancy or motherhood;
 - In 96% of cases, parental leave was taken exclusively by women, most often for financial reasons (the family could not afford the loss of the higher income of the other parent, usually the man);

¹⁵ Ministry of Labour and Social Affairs. *Analysis of Mothers' Return to the Labour Market 2025*. Online. Available at: <https://mpsv.gov.cz/cms/documents/7d24c814-e17c-571b-4510-72df8b377b20/Anal%C3%BDza n%C3%A1vrat%C5%AF matek na trh pr%C3%A1ce.pdf>.

¹⁶ Mumdo. *Report 2024*. Online. Available at: <https://www.mumdoo.cz/report-flexibilni-prace> [accessed June 15, 2026].

¹⁷ Research report by the Public Defender of Rights dated May 22, 2023, Ref. No. 30/2023/DIS, eso.ochrance.cz (available in English)



- Only 22% of women returned to work before their child turned three. Among the main obstacles to an earlier return to work, women cited the inability to arrange childcare.
19. **The Czech Republic did not introduce a legal guarantee of placement for children in childcare facilities starting at age three until 2026.¹⁸ However, it would be appropriate for this guarantee to apply to children as young as two years old, because only if a parent returns to work from parental leave before the child turns two is the parent legally guaranteed¹⁹ the right to return to the same job position.**
 20. **The Czech Republic has not yet introduced a non-transferable portion of parental leave for the other parent** (the so-called “alternating parent bonus”) with a minimum duration of two months and adequate compensation for lost earnings, **in accordance with Article 5(2) and Article 8(3) of the Work-Life Balance Directive.²⁰** Based on international experience, this is a key measure for increasing men’s involvement in the care of young children and reducing the stereotypical division of care responsibilities within families, which is one of the causes of women’s disadvantaged position in the labour market. The deadline for transposing this directive expired on August 2, 2022.
 21. A situation similar to caring for young children also arises when caring for other close relatives is necessary. In the vast majority of cases, this care is provided by women, most often those over 50.²¹ **Recent surveys suggest that it is precisely the complications associated with caring for relatives and family members that constitute a barrier for employers in hiring older workers.²²** Caregiving responsibilities, even those that are only potential, therefore significantly reduce employment opportunities, particularly for older women.
 22. **At the same time, the Czech Republic has long faced a shortage of community-based and outpatient social services, as well as significant regional disparities**

¹⁸ Section 13b of Act No. 247/2014 Coll., on the Provision of Child Care Services in Child Care Groups

¹⁹ Section 47(1)(c) of the Labour Code

²⁰ Directive (EU) 2019/1158 of the European Parliament and of the Council of June 20, 2019, on work-life balance for parents and caregivers.

²¹ Ministry of Labour and Social Affairs. *Final Report on the Public Opinion Survey on “Caregivers in the Czech Republic”*. Online. Available at: https://mpsv.gov.cz/cms/documents/f0e2e854-7746-9cf8-b260-11dd74c6f0db/Z%C3%A1v%C4%9Bre%C4%8Dn%C3%A1%20zpr%C3%A1va_Pe%C4%8Duj%C3%AD%C3%AD%20osoby%20v%20%C4%8CR.pdf [accessed June 15, 2026].

²² The Invisibles Survey. *Employees over the age of 50 often struggle with caregiving. The system is not yet able to respond to their needs*. Online. Available at: <https://neviditelni.org/blog/pruzkum-neviditelni-zamestnanci-starsi-50-let-se-casto-perou-s-peci-system-na-jejich-potreby-zatim-neumi-reagovat> [accessed June 15, 2026].



in their availability. My predecessor repeatedly highlighted the lack of access to these services in his research²³ and also summarised this issue in his statement²⁴ regarding the collective complaint filed by Autism-Europe²⁵.

23. **When these services are unavailable, the burden of care falls primarily on informal caregivers, most of whom are women²⁶.** As a result, they then face a high risk of burnout, social isolation, long-term exclusion from the labour market, and poverty. This is because **there is no separate financial support for informal caregivers in the event of a loss of income or a reduction in income due to caregiving needs.** The primary source of funding is the care allowance, which, however, belongs to the person receiving care, and the amount does not cover the actual costs of care or the caregiver's loss of income. **As a result, caregivers bear the majority of the costs themselves.** The impacts are most severe for women caring for relatives with the greatest need for support, for single mothers, and for women in regionally disadvantaged areas.

Recommendations

- (4) Introduce a guaranteed child care placement for children aged two and older as soon as possible, and gradually extend this guarantee to children aged one and older.
- (5) Introduce a non-transferable portion of parental leave for the other parent (a "alternating parent bonus") with a minimum duration of two months, with adequate compensation for lost earnings in accordance with Article 5(2) and Article 8(3) of the Work-Life Balance Directive.
- (6) Increase the capacity of community-based and outpatient social services and ensure their regional availability.
- (7) Increase and automatically index the care allowance.

²³ For example, the Public Defender of Rights' research report dated September 6, 2018, Ref. No. 45/2018/OZP/VV, eso.ochrance.cz, or the Public Defender of Rights' research report dated February 17, 2020, Ref. No. 11/2019/OZP/MPA, eso.ochrance.cz

²⁴ Statement by the Public Defender of Rights dated October 31, 2025, Ref. No. 20/2025/SZD, eso.ochrance.cz (available in English)

²⁵ Collective Complaint No. 245/2025, filed with the European Committee of Social Rights.

²⁶ European Association of Service Providers for Persons with Disabilities (EASPD). *Human-rights-based Support, Empowering Families and Informal Carers of Persons with Disabilities*. Online, PDF. EASPD, 2025. str. 13. Available at: https://easpd.eu/fileadmin/user_upload/Publications/Policy_Papers/2025-Oct16-Empowering_Families_and_Informal_Carers-Digital.pdf [accessed 2026-06-15].



- (8) Introduce a separate benefit or other adequate financial support for informal caregivers.
- (9) Recognise and take into account the gender dimension of informal care in legislation and public policies.

Eva Kostolanská
Public Defender of Rights
(*signed electronically*)