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EUROPEAN SOCIAL CHARTER

Responses to the Czech Ombudswoman's
submission on the
21st National Report on the implementation of the European Social Charter

submitted by

THE GOVERNMENT OF THE CZECH REPUBLIC
Articles 2, 3, 4, 5, 6, and 20

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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

MoLSA statements follow each chapter / each Article of ESC / RESC

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Introduction

The Ombudsman[1][2] 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 commented[5] 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.**

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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/portal/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

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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-platformove-praci/ [accessed June 15, 2026].

MoLSA´s statement:

The basic legal framework for health and safety at work is set out primarily in Act No. 262/2006 Coll., Labour Code, as amended and related legislation, primarily Act No. 309/2006 Coll., on ensuring further conditions for occupational health and safety, as amended. The focus of the legislation lies in the protection of employees in employment relationships. This approach is based on the nature of dependent employment, which is characterised by a relationship of superiority on the part of the employer and subordination on the part of the employee. It is precisely this relationship that justifies the imposition of mandatory obligations on employers to ensure the safety and health of employees at work.

The current legislation does not comprehensively regulate the status of platform workers. This situation is to be changed by the adoption of the Act on Platform Work and on Amendments to Related Acts (the Platform Work Act), which will transpose Directive (EU) 2024/2831. The draft of this Act is currently, following the conclusion of the inter-ministerial consultation process, ready to be submitted to the Government with a view to its subsequent debate and approval by the Chamber of Deputies. MoLSA aims to meet the transposition deadline set for 6 December 2026, thereby ensuring the correct and complete transposition of the aforementioned Directive.

In the area of health and safety at work, once the proposed legislation has been adopted, platform workers (within the meaning of Section 5 of the draft bill) will be afforded protection to the extent provided for in the Labour Code, i.e. to the same extent as other employees. It should be emphasised that this is already the case.

With regard to platform workers, Section 16 of the draft Act further sets out the information obligations of digital labour platforms in relation to automated monitoring systems and automated decision-making systems that directly affect platform workers or have a significant impact on their working conditions. At the same time, it specifies the point at which this information must be provided to platform workers. Working conditions, within the meaning of the Labour Code, generally refer to, for example, organisation of work, working hours and rest periods, place and environment in which work is carried out (hygiene, temperature, noise, etc.), safety measures, work tools and equipment, break arrangements, occupational risk factors, and so on.

Under Section 17 of the draft Act, trade unions, works councils and health and safety representatives also have the right to information regarding the use of automated monitoring and decision-making systems. The digital labour platform is obliged to provide this information in a complete, comprehensive and comprehensible form.

In response to the Public Defender of Rights' comment, according to which the draft Act on Platform Work interferes with the existing definition of dependent work in the Labour Code and blurs the distinction between dependent work carried out within an employment relationship and self-employment, let´s state the following.

The proposed clarification of the definition of dependent work was motivated by an effort to respond to the case law of the Supreme Court (SC) and, in particular, the Supreme Administrative Court (SAC), which, over time, has interpreted the law to provide a number of guidelines for determining dependent work. Whilst MoLSA is aware that the courts must interpret and, in effect, flesh out the relatively broadly defined characteristics of dependent employment, in some cases it considers that the interpretation has perhaps been too broad, which may create uncertainty amongst those subject to the Labour Code, i.e. in particular employees and employers who do not have robust legal support.

Given that the Labour Code, and its most fundamental provisions—of which the definition of dependent employment is undoubtedly one—should be as clear as possible in practice, MoLSA considers it desirable to clarify the legal provisions. The aim here is not to reject the case law of the Supreme Court and the Supreme Administrative Court as a whole; on the contrary. The proposed amendment recognises that the courts proceed on the basis that the characteristic of the employer's superiority and the employee's subordination is key to determining dependent employment, as it represents the most significant deviation from the otherwise fundamentally equal status of the parties in civil law relationships. This characteristic is therefore elaborated upon through four sub-characteristics, which are inspired by case law and which will ensure significantly greater legal certainty for both employees and employers when assessing whether their mutual legal relationship fulfils the characteristics of dependent employment.

MoLSA therefore does not agree with the Public Defender of Rights' conclusion that the proposed legislation broadens the scope for performing work outside employment relationships. On the contrary, it is convinced that refining the statutory definition of dependent employment will contribute to greater legal certainty and facilitate the distinction between dependent employment and self-employment. MoLSA therefore does not share the conclusion that the proposed legislation will lead to increased labour market segmentation, a weakening of worker protection, or negative impacts on gender equality or other vulnerable groups.

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 proposal[11], 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 approach is not**

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/Vyrocni_zprava_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

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 comment[14], 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.

MoLSA´s statement to Public Defender of Rights´ statements No. 8–12:

In her recommendation, the Public Defender of Rights emphasises the need for the consistent transposition of Directive (EU) 2023/970, in particular Article 5(1) thereof.

This transposition is currently underway.

MoLSA has prepared a draft bill amending Labour Code which transposes Directive (EU) 2023/970 by 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. The draft legislation has undergone an inter-ministerial consultation process, which was concluded on 27 April 2026. The document was submitted to the Government for consideration on 15 July 2026, initially for discussion within the relevant working and advisory bodies of the Government. The draft bill was discussed by the Government Legislative Council on 28 July 2026; the Ministry is currently awaiting the opinion of the Government Legislative Council's ad hoc committee on the draft bill. Once this has been incorporated, the draft will be submitted to the Government for approval. It will then be submitted to the Parliament of the Czech Republic for debate.

However, regarding the claim that the proposed transposition of Article 5(1) of the Directive is not in accordance with its wording, the following should be noted.

Article 5(1) of the Directive requires Member States to ensure that job applicants receive information on the starting salary or salary range sufficiently in advance to allow for an informed and transparent discussion on remuneration, whilst the Directive explicitly lists several possible ways of providing this information ('for example, in the job advertisement, prior to the job interview or by other means'). It is clear from the above that publishing the remuneration directly in the job advertisement is not the only way to comply with the requirements of the Directive, nor is it imposed as an obligation on Member States. The job applicant must receive the relevant information sufficiently in advance of entering the employment relationship so that he / she can make an informed decision.

The draft Act is therefore based on the text of the Directive and retains the option for employers to choose an appropriate method of providing the information, whilst at the same time setting a clear deadline by which the information must be provided to the job applicant, namely before the conclusion of the employment contract or the legal act establishing the employment relationship. At this stage, it is still possible to conduct full and transparent negotiations on remuneration terms, and the job applicant is free to decide, on the basis of the information provided, whether to accept the job offer.

The chosen approach to the legislation is the result of the consultation process with both employee representatives and employers and meets the requirements of Article 5(1) of the Directive.

MoLSA therefore disagrees with the assertion that the proposed amendment allows the purpose of the Directive to be circumvented or creates scope for discriminatory setting of starting pay. The Czech legal system already contains a prohibition on discrimination and an obligation to provide equal wages, salaries or remuneration under agreements for equal work and work of equal value, in accordance with Section 110 of Labour Code. These obligations remain fully in force and are further strengthened by the proposed legislation through additional tools for pay transparency arising from the Directive.

As regards the general observation concerning the Czechia's delay in transposing the Directive, MoLSA states that it is aware that the transposition deadline set for 7 June 2026 has not been met. However, the draft bill represents a comprehensive transposition of the Directive, which significantly impacts the remuneration system in Czechia. During its preparation, it was necessary to address extensive comments from the parties concerned and to find a balanced solution that would not only comply with the Directive but would also respect the specific features of the Czech labour law and be feasible in practice.

Statement of MoLSA to Public Defender of Rights´ statements No. 13–14:

MoLSA cannot agree with the assertion that employees with shorter working hours are disadvantaged in terms of overtime pay, as overtime for them is defined as work performed in excess of the prescribed weekly working hours (Section 78(1)(i) and Section 79 of Labour Code, and not simply work exceeding the scope of their agreed shorter working hours. And given that more women work shorter hours, this current legal provision may have negative implications for equal pay between women and men when assessing overtime.

Labour Code stipulates that, for employees with shorter working hours, overtime is work exceeding the prescribed weekly working hours; such employees cannot be required to work overtime (Section 78(1)(i), second sentence).

It follows from the operative part of the judgment of the Court of Justice of the European Union (Joined Cases C-184/22 and C-185/22, Kuratorium für Dialyse und Nierentransplantation) that work performed in excess of the agreed scope of shorter working hours should be regarded as overtime.

MoLSA analysed the facts of the German case in question and concluded that the legal framework governing working hours in Czechia and Germany differs significantly; for this reason, it does not consider it necessary to incorporate the conclusions of the Court of Justice of the European Union into Czech legislation.

In Czechia, the length of standard weekly working hours is set by law as the 'prescribed weekly working hours', and this duration is further differentiated according to the type of work or the working arrangements of the specific employee (Section 79 of Labour Code). Its duration is not subject to agreement between the employer and the employee, as it is laid down by law. The situation is different for shorter working hours; their specific duration is subject to an agreement between the employee and the employer. Labour Code merely stipulates that shorter working hours are defined as a period shorter than the prescribed weekly working hours, and that employees are entitled to a wage or salary corresponding to the agreed shorter working hours (Section 80).

In Germany, the law generally sets the maximum working time, including overtime, at 48 hours per week, whilst the specific length of the weekly working time is then subject to an individual agreement between the employer and the employee or a collective agreement.

Consequently, the assessment of overtime worked by an employee in Czechia and Germany is based on different principles arising from the national legislation of both countries in the area of working hours.

In Czechia, overtime is defined in Labour Code as work performed by an employee at the employer's instruction or with the employer's consent in excess of the prescribed weekly working hours resulting from a pre-determined work schedule, and performed outside the framework of the shift schedule. For employees with agreed shorter working hours, only work exceeding the scope of the prescribed weekly working hours would be considered overtime; such employees cannot be required to work overtime [Section 78(1)(i) thereof].

Labour Code stipulates that overtime may only be carried out if it is exceptional work, i.e. occasional work not planned in advance by the employer (Section 93(1) thereof).

The Act distinguishes between mandated overtime and agreed overtime.

An employer may unilaterally require an employee to work overtime only for serious operational reasons and to a limited extent – 150 hours in a calendar year and no more than 8 hours per week (Section 93(2) of Labour Code). The employee's consent to such mandated overtime is not required, and the employee is obliged to perform it on the basis of the employer's unilateral instruction (unless certain circumstances, typically statutory obstacles to work, objectively prevent this).

Beyond the statutory limits for mandated overtime set out above, the employer may only agree with the employee on further overtime work (Section 93(3) of Labour Code). For such agreed overtime, the law no longer requires that the work be carried out solely for serious operational reasons, but it remains the case that the work must be exceptional (i.e. it must not be carried out on a planned and regular basis). The total amount of overtime (both mandated and agreed) must not exceed an average of 8 hours per week over a period of up to 26 consecutive weeks. Only a collective agreement may extend this period to a maximum of 52 consecutive weeks (Section 93(4) of Labour Code).

In the case of an employee working shorter hours, any overtime may only be agreed upon; it cannot be mandated, even for serious operational reasons (e.g. in the event of a breakdown of the employer's equipment, a fire or another natural disaster).

Similarly, an employer who requires an employee to work beyond the agreed scope of their reduced working hours must reach an agreement with the employee on this (i.e. this concerns work up to the limit of the prescribed weekly working hours).

Labour Code thus provides greater protection for the interests of employees with agreed reduced working hours compared to those with a fixed weekly working time, as it restricts the employer's ability to determine their working hours and, by extension, their rest periods. In other words, an employer may only schedule the agreed shorter weekly working hours for an employee in advance across shifts; the law does not permit any exceptional work outside these shifts without the employee's consent. The increased protection afforded to employees with agreed shorter working hours stems from the assumption that the agreement on shorter working hours between the employer and the employee was reached for a valid reason (e.g. caring for family, health reasons, a temporary need for labour at the employer's premises, etc.). This reason should be respected and should not be undermined by the needs and interests of one of the contracting parties, particularly the employer.

The setting of an identical threshold for increased overtime pay is primarily determined by the principle of equal pay for equal work. If the approach required by the case law of the Court of Justice of the European Union were to be adopted, this would result in unequal treatment of employees with a fixed weekly working time, as such employees must currently, in order to be eligible for higher overtime pay at all, first work the number of hours constituting their fixed weekly working time – which is determined by law, not by contract. Paradoxically, for an employee with shorter working hours, it would then suffice to work the originally agreed shorter working hours, and any additional hour for which they had to give their consent would already be eligible for higher pay. The consequence of such an approach would be that the legislation would further reinforce the distinct position of employees with shorter working hours in the form of higher pay for pre-agreed work carried out beyond the scope of the originally agreed shorter working hours (i.e. under a newly agreed arrangement with a different/longer scope of reduced working hours), which would, however, be carried out within the scope of the stipulated weekly 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 study[17], 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 Mumdoo. *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 *(availabe 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 guaranteed**[19] **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%ADc%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 research[23] and also summarised this issue in his statement[24] regarding the collective complaint filed by Autism-Europe[25].

23. **When these services are unavailable, the burden of care falls primarily on informal caregivers, most of whom are women**[26]**.** 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.

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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*)

MoLSA´s statement to Public Defender of Rights´ statements No. 15-18:

MoLSA concurs with Public Defender of Right's finding that discrimination in employment most frequently occurs on the grounds of parenthood. This is also reflected in the summary set out in the Annual Summary Report on the Results of Inspections Carried out by the State Labour Inspection Office for 2025, which states that unequal treatment in the labour market continues to occur, particularly in relation to age and gender. These findings are evident not only from advisory activities but also from the content of the complaints.

Although Act No. 435/2004 Coll., on Employment, prohibits any form of discrimination in the exercise of the right to employment and stipulates that criteria for the selection of employees must be based on the principle of equal opportunities, and although Labour Code also expressly enshrines the principle of equal treatment and the prohibition of discrimination in employment relationships, inspection activities repeatedly confirm that these principles continue to be breached.

MoLSA´s statement to Public Defender of Rights´ statements No. 19-20 / Recommendations (4) – (5):

In response to the Public Defender of Right's statements, it should first be noted that Czechia takes the view that no obligation to introduce a specific mechanism for a non-transferable portion of parental leave, as provided for in Directive (EU) 2019/1158, can be inferred from Article 1 of the Additional Protocol of 5 May 1988 to European Social Charter (incorporated into Revised European Social Charter as Article 20).

European Social Charter and European Union law constitute separate legal frameworks; the requirements arising from the aforesaid Directive cannot automatically be equated with those arising from Charter / Revised Charter. Article 1 of the 1988 Additional Protocol does not prescribe a specific model for parental leave or a specific structure for financial support for parents, but leaves the Contracting Parties free to choose the instruments by which they will achieve the objectives in question.

The question of the compatibility of Czech legislation with acquis communautaire thus constitutes a separate issue distinct from the assessment of the obligations arising from Article 1 of the 1988 Additional Protocol. For the sake of completeness, it may be noted that Czechia is convinced that its national legislation on parental leave and parental allowance is in accordance with the requirements of Directive (EU) 2019/1158 and fulfils the objectives pursued by that Directive.

As regards the assertion that Czechia has not yet introduced a non-transferable portion of parental leave for the other parent in accordance with Article 5(2) and Article 8(3) of Directive (EU) 2019/1158 on work-life balance for parents and carers (WLB Directive), cannot be accepted. The transposition of WLB Directive was completed in Czechia by the adoption of Act No 281/2023 Coll., which amended Labour Code and other related legislation. The transposition was notified to the European Commission on 19 September 2023. However, even before the adoption of this amendment, Czechia had already met most of the requirements of WLB Directive, including the entitlement to non-transferable parental leave.

Article 5(2) of WLB Directive does not impose an obligation to introduce a specific 'bonus for alternating parents', nor does it require two 'additional' months of parental leave. WLB Directive requires that each parent has an individual right to parental leave, with two months of this entitlement being non-transferable. Czech legislation fulfils this requirement through Section 196 of Labour Code, under which each parent has an independent right to take parental leave until the child reaches the age of three. Neither the mother's nor the father's entitlement is derived from that of the other parent and cannot be transferred to the other parent. Furthermore, both parents may take parental leave simultaneously and on multiple occasions to the extent they request from their employer (who is obliged to grant such requests for parental leave). Czech legislation therefore not only meets the minimum requirements of Article 5 of WLB Directive, but significantly exceeds them in terms of the duration of parental leave granted. Parental leave in Czechia has long been among the longest in the entire European Union.

Financial security (Article 8(3) of WLB Directive) is provided for by the Act on State Social Support through parental allowance. If a father exercises his individual right to parental leave, Czech legal system fully guarantees him the parental allowance as well – parents may take turns in receiving the benefit at any time without administrative obstacles, which is also made possible by the total amount of the parental allowance (in 2026, this amounts to CZK 350,000 per child and CZK 700,000 in the case of multiple births). Czechia thus ensures adequate income replacement for both parents, prioritizing the family's freedom of choice and autonomy in how they divide care and finances.

Parental allowance is a highly flexible benefit, which is reflected in particular in the following aspects:

- it fully respects parents' freedom to decide how, when and by whom childcare will be provided, including setting the amount of monthly support that a parent will receive;
- parents may take turns in receiving the benefit at any time whilst it is being paid, or until the total amount of CZK 350,000 per child has been exhausted (CZK 400,000 from January 2027);
- this option to alternate is supported by a 'financial incentive', whereby the monthly amount of parental allowance can be calculated using the so-called daily assessment base for maternity benefit of whichever parent has the higher figure;
- even when claiming the maximum possible monthly parental allowance (almost CZK 60,000 in 2026), the current total amount of CZK 350,000 is sufficient to cover a total of 6 months' care.

In the broader context of parental leave and parental allowance, non-transferability can be understood to mean that both parents may take parental leave at the same time or concurrently. This means that Czechia guarantees each parent 36 months of non-transferable 'leave'. Although only one parent may receive the parental allowance at any one time, given the parameters for claiming the benefit set out above – i.e. the monthly benefit amount is based on the higher daily assessment base – parents may take turns claiming the benefit and change the amount every 3 months at their discretion; with the highest daily assessment base = the highest possible replacement rate, this covers approximately 6 months; this means that, from the perspective of financial incentives for parents with higher earnings, the benefit amount can be set very attractively, extending beyond 2 months for each parent.

The above arguments support the view of MoLSA that the transposition of the provisions of Article 5(2) and Article 8(3) of WLB Directive can be demonstrated through the existing system of parental allowance and parental leave. National legislation on parental allowance and parental leave is in line with the relevant provisions of WLB Directive and fulfils its objective of achieving equal opportunities between men and women.

At the same time, MoLSA would point out that the legislation on parental allowance – which, despite its gender-neutral design, is received by approximately 2 per cent of men in the long term – will not, in itself, alter the unequal position of mothers in the care of young children. This situation is the result of a whole range of factors affecting the labour market and, above all, the private lives of families. And financial support for parenthood is just one of the tools of social policy. Its effects should not be overestimated.

It can therefore be concluded that the requirement of WLB Directive for the existence of individual and non-transferable parental leave (Article 5(2)), as well as for adequate financial support through parental allowance (Article 8(3)), is fulfilled under Czech law.

MoLSA´s statement to Public Defender of Rights´ statements No. 21 and 23/ Recommendations (7) – (8):

In general, it can be stated that the National Plan for the Promotion of Equal Opportunities for Persons with Disabilities for the period 2026–2030, approved by Resolution No. 260 of the Government of the Czech Republic dated 27 April 2026, contains several measures that address some of the recommendations of the Public Defender of Rights.

Regarding recommendation (7) it should be noted that in the area of non-insurance-based social benefits, which includes the care allowance in Czechia, the existence of an indexation mechanism is not the norm. These benefits are increased on an ad hoc basis. Nevertheless, under Measure 5.1.5, the National Plan stipulates that "the amount of care allowance should be adjusted to reflect the nature of this non-insurance benefit and the needs of those dependent on care, and conditions for its regular indexation should be established". MoLSA is to submit the relevant legislation by 31 December 2028. Given that recipients of care allowance do not form a homogeneous group (they differ in terms of age, socio-economic situation and, above all, the way in which care is provided), it will be necessary to find an appropriate (objectively justified) and reliable indexation mechanism.

With regard to measure (8) it should be emphasised that direct support already exists and that indirect support should not be overlooked.

Support for informal carers

Support for informal care is one of MoLSA's priorities. In recent years, MoLSA has implemented a whole range of legislative and non-legislative measures to support carers.

With effect from 1 July 2024, the definition of the term 'carer' was enshrined in social services legislation and the status of such persons was strengthened. In accordance with Section 3(k) of the Act No. 108/2006 Coll., on Social Services, for the purposes of the provision of social services, a carer is defined as:

1. a close relative named in the application for a care allowance who provided assistance to the person prior to a care allowance being granted,

2. a close relative providing assistance to a person who has been granted a care allowance,
3. a person who is receiving long-term care allowance under sickness insurance on account of caring for a person requiring long-term care in a home setting,
4. a person whose long-term care allowance has ceased but who continues to care for a person requiring care in a home setting,
5. a person providing care to a person who falls within the target group for the service provided.

In 2018, the long-term care allowance (a sickness insurance benefit) was introduced, providing direct financial support to informal carers. This benefit enables people to remain at home whilst caring for a family member whose attending doctor at an inpatient care facility (usually a hospital) has determined that their medical condition requires full-time care at home following discharge from hospital.

Long-term care allowance also allows the family time to make any subsequent decisions on how to care for their loved one in cases where it is expected that they will continue to require care.

The range of people who may be eligible for long-term care allowance, subject to meeting the conditions, is relatively broad. A carer may be any of the persons defined by law, in particular a husband or wife, a registered partner, a direct relative, siblings, mother-in-law, father-in-law, son-in-law, daughter-in-law, niece, nephew, aunt, uncle and other persons specified by law. A carer may also be the partner or companion of the person receiving care, or a person living with the person receiving care in the same household.

The basic condition for entitlement is that the carer must have been covered by sickness insurance for at least 90 calendar days during the last 4 months immediately preceding the date on which the need for long-term care arose or the date on which such care was first provided.

For self-employed persons (OSVČ), entitlement to the benefit is subject to the condition of voluntary participation in the sickness insurance scheme for self-employed persons for at least 3 months immediately preceding the date on which the need for long-term care arose or the date on which such care was first provided. A self-employed person must not personally carry out any self-employed activity whilst receiving this benefit. In the case of the person receiving care, the condition of hospitalisation lasting at least 4 consecutive calendar days (including the first and last days of hospitalisation) must be met, and the condition that the person's state of health, following discharge from hospital to their home environment, will necessitate the provision of long-term care for a further period of at least 30 calendar days. If these conditions are met, the attending doctor at the healthcare facility providing inpatient care will issue a decision on the need for long-term care on the day of discharge from hospital or within 3 working days of the application being submitted at the latest. An application for the benefit may be submitted within 8 days of the person's discharge from hospital.

Hospitalization is not required for a person in a terminal condition who requires palliative care and long-term care at home. For a person in an incurable condition, the need for long-term care is determined by their attending doctor.

The amount of the long-term care allowance is 60% of the reduced daily assessment base per calendar day, starting from the first calendar day. The long-term care allowance may be provided for a maximum of 90 calendar days.

Informal carers also receive direct support in the areas of taxation (income tax relief), health insurance (so-called 'state-insured persons') and pension insurance (recognition of care for the purposes of determining the pension amount – a notional assessment base).

Caring for a dependent person at care levels II to IV (or a child under 10 years of age at care level I) counts as a substitute insurance period (essentially the same as a period of gainful employment). A condition is that the carer lives in the same household as the person being cared for; however, this condition does not apply in the case of a close relative or a social care assistant. A further condition for the period to be credited is the issuance of a decision on the duration and extent of the care. The decision is issued by the regional social security administration office with jurisdiction over the place of residence of the person being cared for.

For pensions awarded from a date falling within the period after 2026, carers will be entitled to an additional benefit when their pension is calculated, namely the so-called 'care allowance'. When calculating the pension, a so-called notional assessment base will be applied to the years during which care was provided (the period of care will be treated as a period during which the insured person earned income at a generally determined level. This will be derived from the national average wage applicable for the year in which the care was provided).

The care allowance amounts to 100 per cent of the national average wage in the case of caring for a child under the age of 3, a person classified as dependent at level III or IV, a person who was predominantly or completely incapacitated prior to 2007, or a child with a long-term severe disability prior to 2007.

The care allowance amounts to 50 per cent of the national average wage in the case of care for a child under the age of 10 classified as dependent at level I, a person classified as dependent at level II, or a person over the age of 80 who was partially incapacitated prior to 2007.

Any actual income from gainful employment earned by the carer whilst providing care is added to this notional income. The care allowance is not taken into account, as the amount of the notional assessment base is much more favourable.

The percentage pension amount calculated in this way is compared with the amount that would have been payable had the period of care been excluded from the qualifying period. The pension amount is determined according to the more favourable option – either using the notional income or excluding the period of care.

Under the legislation in force until the end of 2026, the care allowance paid to the person receiving care is used as the notional assessment base. However, this procedure is subject to the condition that the period of care for a dependent person lasted at least 15 years. This condition will be abolished from 2027 and will not be replaced by anything else. The newly designed entitlement to credit for care will therefore cover long-term, medium-term and short-term care alike.

Informal carers are indirectly supported through the care allowance. Although this is an entitlement of the dependent person, they use it to 'pay' the informal carer for the help, support and care provided. In the case of people at dependency level IV who do not use residential social services, the amount of the care allowance is CZK 4,000 higher than for those who do use residential social services (CZK 27,000 instead of CZK 23,000). Here, too, indirect support for informal carers of people at the highest level of dependency is evident. Support for carers is further strengthened by the fact that the care allowance is not considered as income for the purposes of other benefits.

Measure 5.2.2 of the National Plan requires the introduction of adequate safeguards for people who provide long-term, regular care. By 30 September 2028, MoLSA is to submit legislation that takes into account the outcomes of Measure 5.2.1. Measure 5.2.1, meanwhile, requires an analysis to be carried out of the effectiveness of instruments supporting selfsufficiency and care, and the status of carers. The analysis will focus on:

- the use of the care allowance (particularly in relation to registered social service providers and informal carers, the most frequently used social services, and the volume of such services),
- the amounts of the care allowance, the method of determining them, and the possibility of including certain relevant factors (e.g. degree of dependency, form of care) in the calculation of the care allowance; the assessment will be carried out from the perspective of both dependent persons and carers,
- the scope of assistance provided and its level, with regard to the current allowance for special aids,
- the functioning of the long-term care allowance,
- shared care, i.e. the temporal, geographical and financial accessibility of outreach and outpatient social services aimed at both dependent people and carers (particular attention will be paid to respite care services),
- the balance, advantages and disadvantages of focusing on the needs of people with dependency and carers, the relationship between interventions aimed at people with dependency and those aimed at carers,
- the financial sustainability of the measures.

Based on the results of the analysis, MoLSA is to propose, where appropriate, the necessary amendments to legislation or the publication of guidelines. The deadline for completing the analysis is 31 July 2027; the deadline for submitting draft legislation is the end of 2029.

Support for informal carers also stems from the disability card. Although the card is intended for people with disabilities, it also brings direct benefits to informal carers (e.g. free transport, discounts on admission fees or exemption from certain charges). From 5 June 2028, this support will be strengthened, as the European Disability Card and the European Parking Card for People with Disabilities will come into effect; these will be mutually recognised by EU Member States.

Differentiation of the care allowance amount

A care allowance (PnP) is provided as a cash benefit to persons who are dependent on the assistance of another person. By providing PnP, the State contributes to ensuring that social services or other forms of assistance or care are available to these persons to help them manage their basic daily activities and needs. Both the number of PnP recipients and the amount spent on this non-insurance social benefit (financed from the state budget) are constantly rising.

In 2025, annual expenditure on PnP amounted to CZK 46.444 billion, and an average of 379,501 recipients received it each month. By way of comparison, in 2010, annual expenditure on PnP stood at CZK 19.599 billion, and an average of 311,490 people received it each month.

Since 2024, PnP amounts have been increased and differentiation based on the method of care provision has been reintroduced for dependency level IV. From 1 January 2026, PnP amount per calendar month is:

for persons under 18 years of age

a) CZK 4,900 for dependency level I (mild dependency),

b) CZK 8,200 for level II (moderate dependency),

c) CZK 16,100 for level III (severe dependency),

d) CZK 1. 23,000 CZK for Level IV (total dependency), if the person is receiving assistance from a provider of residential social care services, or
CZK 2. 27,000 in other cases.

for persons over 18 years of age

a) CZK 1,300 for level I (mild dependency),

b) CZK 5,400 for Level II (moderate dependency),

c) CZK 14,800 for level III (severe dependency),

d) CZK 1. 23,000 CZK for Level IV (total dependency), if the person is receiving assistance from a provider of residential social care services, or
CZK 2. 27,000 in other cases.

The above-mentioned PnP amounts are increased by 2,000 CZK per calendar month, namely:

a) a dependent child under 18 years of age who is entitled to the PnP, except for (a) a child who is entitled to a child's needs allowance under the foster care benefits scheme pursuant to the Act No. 359/1999 Coll., on the Social and Legal Protection of Children,
(b) a child who is not entitled to a contribution towards the child's needs from the foster care benefits scheme because they receive a pension from the pension insurance scheme that is equal to or higher than this PnP,
(c) a child who is in the full direct care of a child or youth care facility, and

b) a parent who is entitled to the child's needs allowance and who cares for a dependent child under the age of 18,

provided that the relevant income of the eligible person and those assessed jointly with them is less than twice the subsistence minimum for the eligible person and those assessed jointly with them under the Act No. 110/2006 Coll., on the Subsistence and Existence Minimum.

Data illustrating developments in recent years therefore reveal the state's efforts to provide greater support to those with greater care needs and to those dependent on the care of another person living in a home environment.

Support for carers through social services

The provision of direct assistance and support to carers is regulated by the above mentioned Act No. 108/2006 Coll., on Social Services, in its new Section 37(5), as part of the provision of basic social counselling within the specified social services, such that: As part of basic social counselling in the provision of social services such as personal assistance, care services, respite care and day centres, activities providing support to carers may also be offered, as well as activities which consist of training carers in the skills required to manage the care of those dependent on their assistance.

Section 37(5) of Social Services Act thus effectively broadens the scope of persons (beyond the target group for the service as defined by law) to whom basic social counselling must be provided in relation to the listed services, specifically to include carers. By including activities consisting of assistance and support for carers within basic social counselling, the amendment also provides for the financial coverage of such activities. This service is provided to carers free of charge, in accordance with the basic principles (Section 2(1) of Social Services Act) and the provision of basic social counselling (Sections 37(2) and 37(5) of the Act).

Caregivers are also provided with assistance and support within the framework of specialist social counselling, in accordance with Section 37(3) and (4) of Social Services Act. The scope of defined basic specialist social counselling activities has been expanded to include a new activity focused on the specific needs of carers: 'activities providing support to carers and activities consisting of training carers in the skills required to manage the care of persons dependent on their assistance' [Section 37(4)(d) of Social Services Act]. As part of this new core activity, carers are provided with both advice and training in the necessary skills, and social service providers with the registered target group of 'carers' must ensure that both components of this core activity are provided:

- ‘Activities providing support to carers’ = consist of assistance with navigating the system of social benefits, social services, aids for people with disabilities, options for obtaining an electric bed from an insurance company, and providing information on incontinence aids, etc.
- ‘Activities involving the training of carers in skills for managing the care of people dependent on their assistance’ = training in the correct handling of the care recipient in bed (when repositioning, with personal hygiene, and when changing incontinence aids), recommendations on and the use of care aids in the home environment (aids for moving the client, obtaining and using suitable assistive devices), etc.

This basic activity, like other basic activities provided by the Social Services Organisation, is provided free of charge (Section 72 of Social Services Act).

The current social services system includes certain social services which can be used to make life easier for carers; these services include, in particular:

- Respite care
- Care service
- Personal assistance

On 1 January 2025, an amendment to Section 44(1) of Social Services Act, governing provision of residential respite care, came into force. In accordance with this amendment, this form of respite care may be provided (as opposed to the previous situation, where a maximum of 90 calendar days per year was recommended) for a total of up to 180 days in a calendar year; only services provided by the same provider are counted towards this limit; this means that the number of days on which residential respite care services are provided to a specific user in a given calendar year is counted separately for each provider, should that user have more than one provider. The aim of this new provision is to enable the use of residential respite care services by clients who are otherwise cared for in their natural environment, to the greatest extent possible, and thus to ensure that carers receive the necessary rest.

<u>Other forms of support for carers</u>

Carers can access further forms of support in various areas:

- Support for carers’ employment – With effect from 1 January 2021, an amendment to Labour Code introduced the concept of a ‘shared job’. This essentially involves two or more employees with shorter working hours taking turns to fill a single job role. The aim is to increase the employability of carers in particular and to provide positive incentives for employers to offer more part-time roles.
- Support for participation in social insurance schemes – If a person dependent on the care of another is awarded a care allowance higher than Level I (including Level I for children under 10 years of age), the period spent caring for that person is counted as a substitute period for pension insurance purposes for the carer. At the same time, the carer’s health insurance is paid for.
- Indirect support through a care allowance – There is currently no benefit that compensates for lost income for people who prioritize caring for a close relative over working. However, a care allowance can be used to pay for care provided by a close relative; in such cases, this allowance is not taxed as income.
- Long-term care allowance – effective from 1 June 2018 – The long-term care allowance under sickness insurance is intended to provide for the carer whilst they are caring for a close relative for up to 90 calendar days, with income replacement amounting to 60 per cent of their salary.

Recognition of care in the form of a family (notional) assessment base

With effect from 1 January 2027, the period spent caring for another person will no longer be treated as a period without income (an excluded period) for the purposes of pension insurance; instead, a notional income derived from the national average wage applicable for the year in which the care was provided will be applied to that period.

The care allowance will amount to 100 per cent of the national average wage in the case of care for:

- a child under the age of 3,
- a person classified as having a dependency level of III or IV,
- a person who was predominantly or completely incapacitated prior to 2007,
- a child with a long-term severe disability prior to 2007.

The care allowance will amount to 50 per cent of the national average wage where the care is provided for:

- a child under the age of 10 classified as having a level I dependency,
- a person classified as dependent at level II,
- a person over 80 years of age who was partially incapacitated prior to 2007.

The excluded period will be taken into account only if it is more favourable than the family assessment base (this therefore applies to insured people with above-average incomes).

The care allowance will apply only to pensions awarded in 2027 and thereafter; previously awarded pensions will not be recalculated.

MoLSA´s statement to Public Defender of Rights´ statement No. 22/ Recommendation (6):

Community-based social services, which include social services provided on an outpatient and outreach basis, are a key tool for supporting people who require assistance or care from others (particularly older people and people with disabilities), and are also an important prerequisite for them to remain in their natural social (home) environment.

Existing legislation governing the provision of social services in Czechia offers sufficient scope to ensure accessible and high-quality community-based social services. Nevertheless, the Government is well aware that, in practice, there may be limitations on the availability of these services, whether in terms of capacity, staffing, geographical coverage or timing.

Within the scope of its powers, the Government is therefore striving to systematically improve the availability of social services, including through regional planning of social services, support for multi-source funding and the development of cooperation with service providers. These efforts also include support for measures aimed at stabilizing the workforce in social services and improving working conditions.

Planning of social services

As of Social Services Act, the regions within the scope of their independent powers, as self-governing entity, are responsible for assessing the needs for the provision of social services to individuals or groups of individuals within its territory, i.e. within the scope of its independent powers. Following the identification of needs and in cooperation with MoLSA, the municipalities within the region, representatives of social service providers and representatives of the persons to whom social services are provided, the region draws up a medium-term plan for the development of social services. The region informs its municipalities of the findings identified during the planning process. The region also cooperates with municipalities, other regions and social service providers in arranging assistance for individuals or, where appropriate, facilitating contact between the provider and the individual.

The medium-term plan for the development of social services is a strategic document of the region, approved for a period of five years, which is the result of actively identifying the needs of people within the region and seeking ways to meet those needs using available resources; it contains the results of underlying analyses and data, a description of how the plan was drawn up, including the definition of cooperation with local authorities, social service providers and the individuals to whom social services are provided, a description and analysis of available resources and the needs of the individuals for whom social services are intended, including an economic assessment, a strategy for the provision and development of social services, including a description of the desired future state and the measures through which this state is to be achieved, the responsibilities of the participating entities, and the procedure for monitoring and evaluating the implementation of the plan, including the manner in which changes to the provision of social services may be made and the method for ensuring a network of social services within the region.

Furthermore, with the participation of representatives of local authorities, social service providers and the recipients of social services, the region monitors and evaluates the implementation of social services development plans, informs MoLSA of the implementation of these plans, ensures the availability of social services within its territory in accordance with the medium-term social services development plan, and defines the social services network within its territory.

The social services network comprises the range of social services which, with sufficient capacity, appropriate quality and adequate local accessibility, are intended to help address the adverse social situation of individuals within the region's territory, and which are in line with the identified needs of individuals within the region's territory and the available financial and other resources. The social services network forms an integral part of the region's medium-term social services development plan.

As regards differences in the planning of social services between individual regions, these do exist. Given that the regions identify needs and plan the provision of social services within their own remit, MoLSA's influence on the structure of social services networks in individual regions is limited. In the area of planning, MoLSA has drawn up a range of methodological materials and recommendations for the regions, which contribute to improving and standardizing the social services planning process, both at regional level and at local authority level.

As regards the remit of MoLSA and its tasks in the field of social services planning, MoLSA draws up the national strategy for the development of social services (based on the regions' medium-term plans for the development of social services), monitors and evaluates its implementation, and, in cooperation with the regions, determines the parameters for the availability of social services.

With effect from 1 January 2026, MoLSA defines a network of social services of a national or supra-regional nature. This network comprises a range of social services which, with sufficient capacity, appropriate quality and adequate accessibility, help to address the adverse social situation of people within Czechia and which are in line with the identified needs of people within its territory.

MoLSA also establishes five state-funded organisations – social services centres for people with disabilities – which often serve to provide care for people with disabilities that, due to highly specific circumstances, cannot be provided at regional level.

Assessing users' needs

The region is responsible, within its independent remit, for assessing (mapping) the need for social services within its territory. Social Services Act stipulates that, in carrying out this activity and in planning social services, the region must cooperate with MoLSA, with the municipalities within its territory, with representatives of social service providers, and with representatives of the people to whom social services are provided.

To ensure the participation of service users and informal carers in both the needs assessment and the planning of social services, MoLSA not only holds meetings with representatives of organizations and associations representing the interests of various groups of people, including older people and people with disabilities, but also establishes various platforms and working groups, for example as part of systemic projects implemented under the ESF programme.

MoLSA provides methodological support to the regions and has published several guidelines and recommendations on how they should proceed in this area.

Improving the accessibility of social services

A range of legislative and non-legislative tools and measures help to improve the actual accessibility of social services and ensure that necessary assistance or care is provided to people who are dependent on the care of others.

Setting a limit on payments for the provision of certain social services

MoLSA has taken into account the situation of people with high care needs in the area of payments for the provision of social services. With effect from 1 January 2023, in accordance with the amendment to Decree No. 505/2006 Coll., the maximum payments for the provision of social services have been increased. For clients dependent on the assistance of another person who require care not exceeding 80 hours per month (i.e. a maximum of 80 hours), the maximum reimbursement rate for care provided has increased by CZK 20 per hour. However, if the person referred to above requires care exceeding 80 hours per month, there will be no increase in the reimbursement.

The reimbursement and the associated limit of 80 hours per month are linked to a specific type of social service, i.e. not to the scope of service provision under an individual contract. Therefore, if a client receives care services from two care service providers (i.e. the same type of social service) and the total number of hours of care from both providers exceeds the limit of 80 hours per month (hours are added together for the same types of social services), neither provider may increase their payment, even if fewer than 80 hours per month are utilized with them, as the decisive factor is the total number of hours for that type of social service in a single month.

This rule applies to payments for the following social services: personal assistance, care services, respite care, sheltered housing, day centres, support for independent living, social rehabilitation (residential forms only) and guide and reading assistance services.

Special grant scheme for personal assistance

In the past, MoLSA has sought to address the need to ensure an adequate level of care for people with high care needs, amongst other things, by launching a special grant scheme. Between 2023 and 2025, it therefore launched a special grant scheme to provide funding from the state budget for projects ensuring the provision of personal assistance to people requiring a significant level of help or care from another person. The aim was to ensure care for people who are dependent on the care of another person and who receive personal assistance social services in their natural (primarily domestic) environment for 80 hours per month or more. Providers of registered personal assistance social services were eligible to apply for the grant. An overview of the results of the grant schemes is provided below.

Year	Total allocation in CZK	Number of projects supported
2023	12,223,535	29
2024	16,087,035	38
2025	19,868,900	35

Social care assistant

The role of social care assistant (Section 83 of Social Services Act) can also be utilized to address the issue of the unavailability of social services. The role of social care assistant enables the provision of assistance or care to persons dependent on the care of others.

The assistant does not provide the necessary assistance to another person as a business operator; therefore, registration and compliance with registration requirements are not required. Only a person who is medically fit and over 18 years of age may act as an assistant. The assistant is obliged to provide assistance in person and to enter into a written contract for the provision of assistance with the person to whom they are providing assistance. The contract must specify the contracting parties, the scope of the assistance, the place and time of provision of the assistance, and the amount of remuneration for the assistance.

A person who receives a care allowance is not considered medically fit to act as an assistant; however, there is an exception to this condition, which must be substantiated by a positive assessment from a general practitioner.

The care allowance may be used to pay for the assistant’s services.

The original intention behind the introduction of the Social Care Assistant scheme was, and remains, to enable a person receiving a care allowance to receive care from a natural person other than a close relative living in the same household. A neighbour, for example, or any other person willing to provide care, can therefore become a social care assistant. This scheme has broadened the range of care options outside residential social care facilities, allowing a person to continue living at home.

Future developments – objectives and measures

Experience to date clearly shows that the issue of the lack of access to community-based social services must be understood as a systemic challenge requiring long-term and coordinated solutions. Given the increase in the number of people requiring greater support and, at the same time, persistent staffing difficulties, it is essential to focus on measures that will strengthen the stability and sustainability of these services in the future.

The Government regards long-term planning for the development of community social services at regional and local authority level, based on rigorous monitoring and a realistic analysis of local needs and expected trends, as a key tool. Such planning must be linked to adequate funding for the necessary social services and must allow sufficient flexibility to respond to the individual needs of service users.

Another approach is to strengthen multi-source funding for social services and ensure its long-term predictability. A stable and transparent funding system will enable providers to plan the development of services more effectively, expand their capacity and respond flexibly to growing demand.

An integral part of the solution must also be support for innovative service delivery models that effectively combine outreach work, the use of modern assistive technologies and collaboration with other social and health services.

Looking ahead, it is also essential to strengthen cooperation between public authorities, social service providers and the service users themselves. Regular assessment of the availability of community-based social services and the systematic involvement of service users in planning processes will help ensure that services meet the actual needs of target groups and are available to the necessary extent and standard.

With regard to **the Public Defender of Rights´s Recommendation (9)** the 'Carer of the Year' award is worth mentioning in passing. Since 2019, MoLSA has presented this award annually as part of the Family Policy Forum; it raises the profile of informal care and informal carers, and has recently been extended to recognise achievements in informal care and in palliative care provided in the home.

Support for informal carers is also an indicator within the 'Village of the Year' award. The benefit of the award lies in raising the profile of informal care in small and very small municipalities.

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