



Country: Czech Republic

Introduction

To fully appreciate how H&S and Fire safety legislation is applied in the Czech Republic it is important to understand that relationships between Employers and Employees in the Czech Republic are governed by the Labour Law consisting of a number of acts, decrees and regulations of the government.

The main sources of the labour law are three acts: the Labour Code, the Collective Bargaining Act and the Employment Act.

The area of labour law is governed by other important regulations, namely: the act stipulating further requirements for health and safety at work, the labour inspection act, the sickness insurance act and the social security act.

The Labour Code (Act No. 262/2006 Coll., as amended) – is the Czech Republic's fundamental regulation in the area of labour law. It regulates, inter alia, the following labour law relations: the way of origination, duration and termination of employment, working discipline, working conditions, working hours, breaks at work, overtime work, night work, sick leave etc. It also regulates the wage and reimbursement of wage, occupational health and safety, employee care, female and juvenile workers' working conditions, labour disputes, compensation for damage and the like.

The Collective Bargaining Act (Act No. 2/1991 Coll.) – regulates the collective negotiations between the respective trade unions organisations and employers, the participation of the state, as the case may be, the purpose of which is the conclusion of an collective agreement. It regulates the requisites of the collective agreement, the procedure of concluding collective agreements, collective disputes, strike within a dispute related to the conclusion of a collective agreement, etc.

The Employment Act (Act No. 435/2004 Coll.) – regulates the provision of the state's employment policy, the goal of which is to attain full employment rate and protection against unemployment, fair treatment and ban on discrimination in the course of persons asserting their right to employment, the activities performed by labour offices and their powers, the assessment of natural persons' health condition and healthcare providers' cooperation with the assessment of their health condition, the right to employment.

Country Legislation Review

The Labour Code is closely linked to **the Act Stipulating Further Requirements for Health and Safety at Work** (Act No. 309/2006 Coll.), which regulates further requirements concerning occupational health and safety in labour law relations as well as the provision for the protection of health and safety at work or the provision of services outside labour law relations.

The Labour Inspection Act (Act No. 251/2005 Coll.) – regulates the establishment and position of labour inspection authorities as supervisory authorities in the area of protection of labour relations and working conditions, the powers and competences of the labour inspection authorities as well as the rights and duties applying to the inspection and sanctions in the event of violating the required duties.

The Sickness Insurance Act (Act No. 187/2006 Coll.) – this act regulates the sickness insurance covering temporary inability to work, ordered quarantines, pregnancy and maternity, providing medical care to or taking care of a family member, the organisation and implementation of the insurance. The implementation of the insurance also refers to the health condition examination for the purpose of the insurance.

The Social Security Act (Act No. 100/1988 Coll.) – guarantees all citizens' right to social security. The social security allowances are provided by the state and are not subjected to taxation. The right to social security allowances does not expire by elapsing of time.

Controversy over new workplace health and safety legislation

In January 2007, a new Labour Code governing basic regulations for health and safety at work, among other things, came into effect. In addition, Act No. 309/2006 Coll. on occupational health and safety has also come into effect. The act contains key provisions regarding the professional competency of those working in the area of occupational health and safety. However, the new legislation has caused divisions among employers and the trade unions in this area. As a result, the Chamber of Commerce has filed a complaint with the Constitutional Court of the Czech Republic claiming that some of the provisions of the new health and safety legislation are unconstitutional.

On 1 January 2007, Act No. 309/2006 Coll. on health and safety at work in industrial relations and on securing health and safety in activities or in providing services outside industrial relations came into effect. The new act, which adapts standards concerning occupational health and safety to the new Labour Code, transposes into law the relevant EU regulations and covers other requirements for health and safety at work.

Professional competency provisions

Section 9 of the act obliges employers to implement measures aimed at evaluating and preventing risks that could potentially endanger their employees' lives or health. It stipulates that tasks concerning risk prevention and the coordination of health and safety at work on construction sites be performed solely by persons who are professionally competent for such work.

In addition to having the appropriate expertise, an individual implementing occupational health and safety measures must also have good communication skills, as they are required to work in close cooperation with other stakeholders, such as the employer, senior management, employees, employee health and safety representatives, and trade union representatives. The employer is obliged to furnish the professionally qualified person with the resources and time required for their risk-prevention activities, particularly concerning employees on fixed-term employment contracts, employees under 18 years of age, pregnant employees, employees who are breastfeeding, female employees with children up to nine months of age, and temporary agency workers who are assigned to work for another employer. The employer is also obliged to provide documentation and information on all known facts and circumstances that could influence an employee's safety at work, or which could harm their health.

According to the new legislation, only professionally competent employees may independently service, assemble, control or repair technical equipment that poses an increased level of risk to employees' lives or health. In addition to sound health and the prescribed age, the preconditions for professional competency include: professional training as stipulated by the appropriate legal regulation, the stipulated duration of work experience, and the successful completion of a professional examination.

In accordance with Council Directive 92/57/EEC on the implementation of minimum safety and health requirements at temporary or mobile construction sites, the third part of the act stipulates other requirements for persons working as health and safety at work coordinators in building sites (the institution of coordinator was not previously covered by Czech law, despite the fact that it is an institution of prevention policy which is regularly used in EU directives). A coordinator is an individual or organisation appointed by the owner of a construction project to perform the activities stipulated during the planning of construction work, or during work at the construction site. This individual must satisfy the appropriate professional competency requirements for the function of coordinator. Moreover, the coordinator is obliged to maintain the confidentiality of all information and facts which they learn of during the course of their work, and which it would be inappropriate to divulge to other parties.

Objections of employers

The terms for ascertaining and verifying professional competency are covered by a government regulation that sets out the conditions for awarding accreditation to, or suspending or removing accreditation from an individual or organisation; the measures include provisions relating to the content of professional competency examinations, their organisational arrangements, and the relevant documentation. The draft government regulation, which was subject to discussions, has raised objections from the employer side, specifically the Czech Confederation of Commerce and Tourism (Svaz obchodu a cestovního ruchu CR, SO CR). The latter organisation regards the proposed five-year periodical testing of professional competence as being discriminatory against safety technicians whose work in companies often lacks the backing of their employers, and whose status may be further undermined among employers by this repeated testing.

At the same time, employers have raised objections over the rights of trade unions to supervise the status of health and safety at work. According to the employers, the new Labour Code has unjustifiably extended trade unions' rights in this field. As a result, the Chamber of Commerce of the Czech Republic (Hospodářská komora CR, HK) has filed a complaint with the Constitutional Court of the Czech Republic (Ústavní soud České republiky). The employers contend that the new provisions give trade unions the right to interfere in corporate management and are therefore unconstitutional. They are primarily concerned by the trade unions' right to prohibit night work and overtime. In response, Milan Štech, President of the Czech-Moravian Confederation of Trade Unions (Českomoravská konfederace odborových svazu, CMKOS), the largest trade union body in the Czech Republic, commented that the step taken by the Chamber of Commerce represented an attempt to worsen employees' welfare. The matter remains, to date, unresolved.

Czech rep is occupation health and safety is connected, but it has two parts. First one is : in czech we called BOZP - and it means safety of workers and technical parameters about work, and construction, etc..., second one is safety and health, and that means health and safety conditions of workers - medical exams, judging of wor conditions, hygienic rules, etc.

Links

The Labour Law regulations can be accessed on: www.mpsv.cz

This is the website of the Ministry of Labour and Social Affairs (MoLSA) which was established in 1990. MoLSA is responsible for Health and Safety in the Czech Republic/

Health & Safety Law references

Full name	Key Content
<p>The Labour Code (Act No. 262/2006 Coll., as amended)</p>	<p>Part 5 of the Labour Code – Occupational Safety and Health Protection. Section 101-108</p> <p>Chapter 1 – Risk Prevention (Section 101-102)</p> <p>Chapter 2 – Duties of Employer and Duties of Employee (Section 103)</p> <p>Chapter 3 – Joint Provisions (Section 107-108)</p> <p>Part 10 of the Labour Code</p> <p>Care of Employees (Section 224-227)</p> <p>Chapter 1 – Working conditions of Employees (Sections 224-226)</p> <p>Chapter 2 – Vocational Development of Employees (Section 227-235)</p> <p>Chapter 3 – Meals taken by Employees (Section 236)</p> <p>Chapter 4 Special working conditions for some employees (Section 237-247)</p> <p>Working conditions for women (female employees) (Section 238)</p> <p>Working conditions for female employees, employees – mothers, employees taking care of a child or another person (Section 239 – 241)</p> <p>Breaks for breast-feeding (Section 242)</p> <p>Working conditions for adolescent employees (Section 243 – 247)</p>
<p>The Collective Bargaining Act (Act No. 2/1991 Coll.)</p>	<p>Regulates the collective negotiations between the respective trade unions organisations and employers, the participation of the state, as the case may be, the purpose of which is the conclusion of an collective agreement. It regulates the requisites of the collective agreement, the procedure of concluding collective agreements, collective disputes, strike within a dispute</p>

Country Legislation Review

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Country Legislation Review

Fire Safety Law references

Full name	Key Content
Fire Protection Act 133/1985 Coll.	Section 1 – Introduces the purpose of the Act in so much as to create the conditions for effective protection of life and health of citizens and properties from fires and for providing assistance during natural disasters and other emergencies.
	Section 2 – General provisions for Ministries, businesses and natural persons
	Section 3 - Responsibilities of Ministries and other government bodies
	Section 4 – Classification of operations according to fire hazard
	Section 5 – Obligations of legal persons and natural persons in business
	Section 6 – Legal persons and natural persons engaged in increased and higher fire risk activities.
	Section 6a / 6b – as for Sect. 6 but with the additional requirement for a competent person to provide Fire Risk Assessments in terms of danger to persons, animals and property and performing other duties in the field of fire protection
	Section 7 - deals with the owners/users of water sources to keep them in such a condition that water can be taken for the purpose of fire fighting,
	Section 11 – sets out the requirements for competence and verification of professionally qualified people in regard to fire protection.
	Section 13 – sets out the requirements for a ‘fire prevention patrol’ where 3 or more people are employed by a legal person or entrepreneur in an area with an increased fire risk (e.g. where highly flammable materials are used)
	Section 15 – Documentation of fire protection. Sets out that the provisions of the fire protection documentation has to be

Country Legislation Review

	<p>implemented, including the display of instructions in the event of a fire and the display of fire drawings showing the location of fire exits and fire fighting appliances etc.</p>
	<p>Section 16 / 16a – Training and staff training on fire protection</p>
	<p>Section 17 – Basic responsibilities of individuals</p>
	<p>Section 18 – Personal assistance, this builds upon the responsibilities of Section 17 to provide assistance to others.</p>
	<p>Section 19 – Material assistance, everyone is obliged to challenge the fire protection community and its leaders to provide means of transport, water supplies, communications equipment and other things needed to combat the fire.</p>
	<p>Section 20 - Exemption from the obligation to provide personal and material assistance.</p>
	<p>Section 22 – Entrance to property, this details the requirement to allow the fire / rescue commander access to fight fire, prevent fire spread and /or other emergency.</p>
	<p>Section 31 and Section 35 – State fire supervision. There is a requirement to ensure compliance with the regulations on fire protection (S31). The County Fire and Rescue Service carries out the state fire supervision ensuring compliance with the regulations, checks and approves fire precautions, inspects and enforces the same including improvement and prohibition notice requirements(S35).</p>
	<p>Section 76 – Legal Sanction</p> <p>The Regional Fire and Rescue Service in the performance of the ‘state fire supervision’ may impose a fine of up to 250,000CZK in premises rated as not having an ‘increased fire risk’ or up to 500,000CZK in businesses with an increased fire risk for breaches of fire safety regulations. They may also levy penalties up to 1,000,000CZK for ‘high fire danger’ premises where breaches of fire safety regulations are found.</p> <p>If it is a requirement, due to the level of fire risk, to establish an internal company fire brigade and this unit is cancelled without</p>

Country Legislation Review

	<p>the consent of the county fire brigade, a penalty of up to 10,000,000CZK may be levied.</p> <p>If accompany or individual repeatedly violates a fire protection requirement for which they have been previously fined in the preceding 3 years, the regional fire service can impose a fine of up to double the amount allowed by the regulations.</p> <p>In determining the amount of the fine the severity and duration of the infringement and the extent of the damage caused is taken into consideration. The imposition of a fine does not relieve the offender of the obligation to remedy the defect(s) for which the penalty was levied.</p>
	<p>Section 77 – Proceedings on imposing a fine may be commenced within 1 years from the date of the infringement and must be concluded within 3 years from the initial breach.</p>
	<p>Section 78 – Lists the reasons of how/why a breach of the regulations may occur.</p>

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