

Social Dialogue mapping

Description scheme for country overviews

CZECK REPUBLIC

Sources:

1/ Eurofound Working Life Profiles <https://www.eurofound.europa.eu/country/czech-republic>

2/ OSH WIKI https://oshwiki.eu/wiki/OSH_system_at_national_level_-_Czech_Republic

3/ ESENER-2 <https://osha.europa.eu/en/surveys-and-statistics-osh/esener/2014>

Introduction on Social Dialogue in MS (1)

Social partners' representativeness at the central level is addressed only for membership in the Council for Economic and Social Agreement (*Rada hospodářské a sociální dohody ČR*, RHSD ČR). The condition for participation of social partners in the Council of Economic and Social Agreement of the Czech Republic (RHSD ČR) is their representativeness expressed by the number of workers employed by their members.

Trade Unions (1)

- **About trade union representation**

Basic legal provisions of social dialogue for trade unions (and employers) are embedded in Act No 23/1991 Coll. Charter of Fundamental Rights and Freedoms, which is part and parcel of the constitutional order of the Czech Republic, providing in Art. 27 for coalition freedom, the right to associate and unionise.

From 1990 to 2013, the establishment and existence of trade union organisations and associations was provided for by Act No. 83/1990 regulating the association of citizens. Since January 2014, the subject has been directly addressed by the new civil code (Act No. 89/2012 Coll. Civil Code) regulating employers' association and position in sub-section 2 on societies/associations (Articles 214–302) and in Articles 3025 and 3046.

An employee is free to join a trade union or not to join as he/she chooses. Consequently it is unfair to dismiss any employee either because he is or because he is not a member of a trade union. Trade union membership is voluntary; one can resign his/her membership any time. Trade union bodies are entitled to take part in labour law relations, including collective bargaining under the conditions stipulated by law. From this law are excluded members of the armed forces only. There are over 30,000 employees in the Department of Defence who are excluded from the right to collective bargaining (source: Ministry of Defence of the Czech Republic). For a trade union to operate with the police forces, the firefighting service and the customs service, the legal regulations prescribe the minimum representativeness of 40%.

• Main trade union confederations and federations

There are three main trade union confederation in the Czech Republic: ČMKOS, ASO ČR, KUK.

Long name	Abbreviation	Members	Year	Involved in collective bargaining (*)
Czech-Moravian Confederation of Trade Unions (Českomoravská konfederace odborových svazů , ČMKOS)	ČMKOS	297,762	2016	Yes
Association of Autonomous Trade Unions of the Czech Republic (Asociace samostatných odborů České republiky , ASO ČR)	ASO ČR	78,000	2016	Yes
Confederation of art and culture (<i>Konfederace umění a kultury</i> , KUK)	KUK	30,825	2016	Yes

Some of the largest trade union federations in the Czech Republic are members of ČMKOS. At the end of 2016, ČMKOS had still 29 member unions.

There is a certain degree of coordination between the ČMKOS and the ASO ČR. It concerns an exchange of opinions and consultation on joint steps, especially with respect to preparation of the plenary session of the RHSD ČR (Council for Economic and Social Agreement of the Czech Republic). Otherwise both confederations are autonomous and their cooperation cannot be described as very intensive.

Employers' organisations (1)

• About Employers' organisations

Employers' interests in national-level social dialogue in the Czech Republic are represented by two largest employer confederations, SP ČR and KZPS ČR, which are part of the tripartite bodies. Both social partners hold talks on a tripartite platform within RSHD ČR, when the Plenary Session of the RHSD ČR – the highest tripartite body – consists of the Czech Prime Minister, seven government members, seven trade unionists and seven employer representatives.

Membership in the above employer's organisations is voluntary and members are required to pay membership fees. Employer's associations assert their interests within the business branch generally and represent employers in the context of RHSD. Employer's associations comment on draft legislation, are involved in consultation or representation at collective bargaining, influence economic and social policy via joining of expert teams, take part in trade delegations accompanying the highest government representatives at state and official visits abroad and are active as members in working groups within international organisations.

Social dialogue on the part of employers is also represented by the Czech Confederation of Commerce and Tourism (*Svaz obchodu a cestovního ruchu ČR*, SO ČR) which doesn't directly participate in the tripartite bodies (SO ČR is represented, based on mutual agreement, by the SP ČR and finally also the Confederation of Bohemian and Moravian Cooperatives (SČMD). The Chamber of Commerce of the Czech Republic (*Hospodářská komora ČR*, HK ČR) tries to play a similar role and in many respects it speaks out in favour of the protection of interests of employers and the business sector in general. However, it is not an association of employers within the meaning of the above-mentioned international documents and is not party to the national social dialogue. The Czech Chamber of Commerce consists of nearly 15,000 members (legal and physical entities) in the form of 60 regional and 100 sectoral associations.

The following two employers' organisations are not involved in collective bargaining, either:

- Association of Small and Medium-sized Enterprises and Crafts of the Czech Republic (*Asociace malých a středních podniků a živnostníků ČR*, AMSP ČR) – it represents the interests of a total of around 260,000 business entities;
- Syndicate of Businessmen and Tradesmen of the Czech Republic (*Sdružení podnikatelů a živnostníků ČR*, SPŽ ČR) which organises smaller private entrepreneurs.

• Main Employers' organisations

- Confederation of Industry of the Czech Republic (*Svaz průmyslu a dopravy ČR*, SP ČR)
- Confederation of Employer and Entrepreneur Associations of the Czech Republic (*Konfederace zaměstnavatelských a podnikatelských svazů ČR*, KZPS ČR)
- Czech Confederation of Commerce and Tourism (*Svaz obchodu a cestovního ruchu ČR*, SO ČR) – which is a new member of SP ČR since 29 March 2016

Long name	Abbreviation	Members	Year	Involved in collective bargaining (*)
Confederation of Industry of the Czech Republic (SP ČR)	SP ČR	Represents 11,000 members with 1,300,000 employees	2016	yes
Confederation of Employer and Entrepreneur Associations of the Czech Republic (KZPS ČR)	KZPS ČR	Represents 22,000 members with 1,300,000 employees	2016	yes
Czech Confederation of Commerce and Tourism (SOČR).	SOČR*	Over 6,000 single members with 500,000 employees	2016	Yes

Social Dialogue on OSH (2)

• General Remarks on Social Dialogue on OSH

While, in the broader sense, [social dialogue](#) is not, collective bargaining is governed by law. The **Labour Code** and the **Act on Collective Bargaining** have pertinent provisions. According to a survey, ^[9] social partners generally rate social dialogue positively as a means of regulating working conditions and regard its basis in law as sufficient. There are usually no trade union units in small firms and compliance with occupational health and safety standards is usually worse.

Regional committees for occupational safety and health are being established since 2012. They enable consultation between regional labour inspectorates, trade unions, and employers, local and regional self-administration. They help to realise the National OSH Policy and tailor it to the needs of the region concerned by planning, deciding, acting and evaluating together.

• National level

The *Council of Economic and Social Agreement of the Government of the Czech Republic (Rada hospodářské a sociální dohody – RHSD)* ^[10] was established by the Resolution of the Government No. 858 of 2003. ^[11] The Council reflects the diversified representation of social partners, and its task is strictly a consultative function. The Council participates in the elaboration of strategies in the area of OSH through its tripartite Task Force for occupational safety and health: *Government Council for Safety and Health at Work (Rada vlády pro bezpečnost a ochranu zdraví při práci)* ^[12]. The Ministry of Labour and Social Affairs hosts its Secretariat. The Council discusses proposals for **strategies** (in particular the National Policy of Occupational Safety and Health and the National Action Programme) and the **concepts** of activity of labour inspection and occupational health inspection. It initiates and

discusses **legislative measures** in the field of OSH and is responsible for OSH-related issues of **education**.

The social partners include:

In tripartite negotiations within the framework of the Council of Economic and Social Agreement of the Czech Republic the following two bodies represent the employees' side:

1. The *Czech-Moravian Confederation of Trade Unions (Českomoravská konfederace odborových svazů – ČMKOS)* ^[13] is a voluntary, open, independent, democratic confederation of trade unions protecting wage, working and living conditions and rights of employees.
2. The *Association of Independent Trade Unions (Asociace samostatných odborů – ASO)* ^[14] is the second largest trade union confederation in the Czech Republic.

Employers and entrepreneurs are represented by three bodies:

1. The *Czech Chamber of Commerce (Hospodářská komora České republiky)* ^[15] is an entity representing private enterprises that protects the interests of its members. Voluntarily joined small, medium and large-sized enterprises are associated in a network of regional chambers and trade associations (to a certain degree only since Chamber is not empowered to bargain collectively on behalf of its members).
2. The *Confederation of Industry of the Czech Republic (Svaz průmyslu a dopravy ČR – SP ČR)* ^[16] is a voluntary, non-political and non-governmental organisation that represents a significant part of the Czech employers.
3. The *Confederation of Employers' and Entrepreneurs' Associations of the Czech Republic (Konfederace zaměstnavatelských a podnikatelských svazů ČR – KZPS ČR)* ^[17] the second largest confederation represents the seven employers' associations from various sectors.

• Sectoral level

Sectoral level social dialogue is bi-partite and takes place between the concerned trade unions and employers' associations. Their **focus is on collective bargaining** and less on OSH. It is reported that unlike Czech-owned companies, certain foreign-owned firms refuse to take part in social dialogue at sectoral level. Not joining sectoral organisational structures helps them to avoid being covered by concluded higher-level collective agreements. ^[18]

• Enterprise level

Employees participate in the solution of occupational safety and health issues through their **trade union organization** or their **safety and health representative(s)**, detailed under Section 108 of the Labour Code^[3]. Part 12 of the Labour Code specifies how to inform and consult employees and the ways of their representation – among others – in OSH-related issues. Co-operation between the employer and the employee representatives is obligatory. The law emphasizes the **superiority of trade union representation**: the duties and rights concerning employees' roles in OSH and their representations are primarily delegated to trade unions. Collective agreements, especially at company level, address a wide range of issues related to labour law, including health and safety.

Only in case of a lack of trade union representation in the firm the employees can elect **works council** (rada zaměstnanců) or **safety and health representative(s)** (zástupci zaměstnanců), whose mandate lasts for three years. The maximum number of representatives in a council depends on the risks at the workplace and the number of employees. The final figure must be odd and range between three and fifteen. There must be at least one representative per ten

employees. The employer must ensure appropriate conditions to the representatives in order to fulfil their information and consultation tasks, including provision of premises and equipment. Safety and health representatives must not be discriminated. Employees' representatives have the right to consult the Labour Inspectorate and may call in external OSH expertise (e.g. from the trade union federation concerned).

The employer enables the election of employees' representatives on the basis of the proposal signed by at least the third of all employees. The process of the election is strictly detailed in the Law. If representatives are not elected then the employer must consult all workers directly. Unfortunately, in most small companies and in some medium-sized enterprises there is no trade union unit or an authorized safety and health representative to participate in OSH consultations.^[19]