

Right to Work and Access to the Labour Market

Relevant legal regulations

- Act No. 262/2006 Coll, Labour Code, as amended
- Act No. 198/2009 Coll, on Equal Treatment and on Legal Instruments of Protection against Discrimination and amending certain acts (the Anti-Discrimination Act), as amended
- Act No 251/2005 Coll, on Labour Inspection, as amended.
- Act No. 435/2004 Coll, on Employment, as amended
- Act No. 99/1963 Coll, Civil Procedure Code, as amended

The Act on Employment provides right to work, i. e. „the right of a natural person who wants and can work and seeks work, to employment in a labour-law relationship to employment intermediation and to the provision of other services“. The Act on Employment states that „when mediating employment, **increased care is taken of job seekers who need it due to their health, age**, care for a child or other serious reasons.“

Not only in the Czech Republic, **older persons face many challenges on the labour market due to their age**. More factors are accumulated: lower education, health issues and disadvantages, or insufficient adaptability to rapidly changing environment and conditions of the labour markets. These grounds have both objective (qualifications becoming obsolete, decreasing of work performance of certain kind of jobs) and subjective (unwillingness to further education of the workers, unwillingness of employers to invest in their older employees) character.

In the area of labour market, **the inspecting authority is called State Labour Inspection Office** and its Regional Labour Inspectorates. **Their statistics however concern mostly their inspecting activities**, not number of working persons by age, gender, forms of their employment, kind of their work and so on. Even when misconduct in the form of unregistered work is found, **age and gender of persons are not recorded**. The State Labour Inspection Office carries out about 8 000 controls focused to uncover unregistered (and thus illegal) work.

As mentioned before, older persons are one of the groups of persons who receive increased care from the Labour Office. **Persons 50+, or 55+ of age are preferred in the process of realizing instruments and measures of active employment policy**. In general terms this means creating and reserving jobs for particular job applicants, supporting self-employment and offering retraining, that can arrange for qualifications of an older person better suited for the actual labour market needs and demands.

More specifically, many **individual projects realized by the regional branches of the Labour Office focus on persons 50+, or 55+ of age**. These projects are complex and they combine a broad set of instruments and measures: **consultancy, retraining courses, and also financial benefits to employers** to support particular job applicants and positions. Support of older persons is also covered in other measures by The Ministry of Labour and Social Affairs and its active employment policy, such as the **support for further expert and professional training and education**. E.g. employers are benefited if they include a certain percentage of older persons into their educating programmes.

The Act on Employment deals also with **equal treatment and ban on discrimination in the exercise of the right to employment**. The parties to legal relationships are obliged to ensure equal treatment of all natural persons exercising the right to employment. Any discrimination in the exercise of the right to employment is prohibited. **A citizen must not be deprived of the right to employment on grounds of, among many others, age**.

The State Labour Inspection Office or the Regional Labour Inspectorates monitor the observance of labour law regulations, including equal treatment, respecting the ban of discrimination, equal pay (especially based on gender). Hundreds of inspections of this manner are conducted every year. More than 9 000 inspections per year are focused on **occupational safety and health**. **Any person can propose a motion to labour inspection**, any motion (with some legitimate exceptions) is addressed by an inspection. Every inquirer is provided with free of charge consultancy regarding legal regulations of labour-law relations. **Protection against discrimination can be demanded in court of justice, as regulated by Civil Procedure Code**. A significant role in cases of discrimination and human rights of older persons in general constitutes **Ombudsman (The Public Defender of Rights)**.