



# Striving for an inclusive labour market in Czechia

Positive actions and reasonable accommodation to facilitate hiring and employment of persons with disabilities involving employers and employer initiatives

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# **Striving for an inclusive labour market in Czechia**

Positive actions and reasonable accommodation to facilitate hiring and employment of persons with disabilities involving employers and employer initiatives

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## 1 Executive summary

### 1.1 Support and incentives directed at employers to promote the employment of persons with disabilities, including guides on good practice, websites and advice services

The employment quota is established by the Employment Act 435. Employers comply with the quota by employing persons with disabilities, or by what is referred to as 'substitute performance'. This allows the following options:

- procuring products or services from employers whose workforce includes more than 50 % of employees with disabilities;
- awarding orders to these employers;
- purchasing products from sheltered workshops or services provided by persons with disabilities who are self-employed and do not employ any employees;
- awarding orders to these persons;
- making payments to the state budget;
- or a combination of these methods.

Anecdotal evidence suggests that the majority of employers comply with the employment quota through substitute performance, not by direct employment.

The Income Tax Act 586<sup>1</sup> stipulates that taxpayers who employ persons with disabilities can request a tax reduction. This is true for both natural and legal persons.

There is no instrument which would allow for reductions in social security contributions on the ground of employing persons with disabilities.

Only employers operating in the sheltered labour market are eligible for contributions to support the employment of persons with disabilities through the subsidy of the monthly salary, which includes social security contributions and public health insurance payments. Similarly, only employers in the sheltered employment sector are eligible for a contribution to support the employment of persons with a disability in the form of partial reimbursement of wages and other relevant costs.

For employers who employ a person with a disability in the open labour market, there is only a contribution to cover additional expenses incurred in connection with the employment of a person with disability, such as additional administrative expenditure. The Czech Republic falls short of providing a wage subsidy programme that would be available to employers (private or public) in the open labour market.

In Czechia, the duty to provide reasonable accommodation is stipulated by the law. The legislation goes beyond European Directive 2000/78, as it declares that failure to provide reasonable accommodation for a person with disability is a form of indirect discrimination.

An allowance to cover operating costs cannot be provided for a person who works outside the employer's workplace (i.e. for an employee who works from home). Such

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<sup>1</sup> Income Tax Act 586, available at: <https://www.zakonyprolidi.cz/cs/1992-586>.

restriction may potentially limit the employment of persons with a disability in a situation like the COVID-19 pandemic.

Overall, support and incentives are targeted predominantly at sheltered employment rather than at employers in the open labour market.

The Endowment Fund for the Support of the Employment of Persons with Disabilities (*Nadační fond pro podporu zaměstnávání osob se zdravotním postižením*, NFOZP)<sup>2</sup> provides technical guidance for employers on recruitment, hiring, promotion and legal obligations imposed on employers, through its guides, website and consultancy services.

Guides, websites and advice services that provide employers with practical advice / information about employing persons with disabilities are rarely to be found. There appears to be a shortage of guides that offer practical information on good practices relevant to collective bargaining agreements or on how to enable employers to overcome barriers, make adaptations and recruit and retain employees with disabilities.

## **1.2 Support and partnerships available to employers to assist them in making reasonable accommodations**

The Anti-Discrimination Act 198 lists certain elements that need to be taken into consideration when addressing the question whether a certain measure represents a disproportionate burden. However, Czechia lacks a systematic support scheme that would be available to employers to facilitate them in making reasonable accommodations. Those available include only financial support schemes: a contribution towards the establishment of a workplace for a person with disability that is provided in respect of the estimated expenditure that the employer will devote to create it. This includes expenditure related to the adaptation of the workplace or equipment. Secondly, there is a contribution to the operational expenditure incurred in relation to the employment of a person with disability. For employers who operate in the open labour market, the support system is reported to be complicated and administratively demanding. As a result, employers tend to be anxious about dealing with the 'unknown' and frequently do not know where to turn for advice.

The local employment office is responsible for providing support to employers on the basis of an agreed partnership. Eligible employers are financially supported in making reasonable accommodations. There is a widespread absence of evidence of the effectiveness of the (coordinated) support available to employers, and of partnerships between the employment office and employers, to assist employers to make reasonable accommodations. Anecdotal evidence suggests the weakness of the partnership, given the complexity of the administrative procedure associated with the application for setting up such a partnership with the employment office.

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<sup>2</sup> See: <https://nfozp.cz/o-nas/>.

### **1.3 Illustrative examples of good employer practice for providing reasonable accommodations for persons with disabilities**

The public domain lacks examples of good employer practice in providing reasonable accommodations for persons with disabilities. A field study would appear to be more appropriate to identify illustrative examples of good practices in this regard.

Example: Website – Ergonomics of the workplace for persons with disabilities. Procedures for evaluating the quality of the workplace of persons with disabilities.

The Occupational Safety Research Institute presents on its website some strategies for assessing a workplace in the context of disability. This website proposes several checklists for assessing the implementation of ergonomic requirements and the suitability of working conditions in the workplace, which include individual criteria for working conditions based on legally recommended values (e.g. dimensions, properties, risk factor limits, work time schedule) and taking into consideration other data characterising the workplace and the work performed.

As mentioned above, there are very few good practice guides in the public domain regarding reasonable accommodation directed at employers in the private and public sectors. The employment offices do not provide good practice guides regarding reasonable accommodation directed at employers. In addition, the employment offices do not have the necessary capacity to gather illustrative examples of good employer practice in providing reasonable accommodations for persons with disabilities, which would enhance employers' engagement in providing reasonable accommodations.

Another source of information is the 'Barrier-Free Work Environment' research study, which explores some elements of reasonable accommodation with the aim of generating a work environment that is accessible to persons with disabilities. The study presents some international examples of good practice that are relevant to reasonable accommodation.

Numerous websites and other online channels appear in the Czech public domain in relation to the engagement of employers in the employment of persons with disabilities. However, the information presented falls short in terms of reporting evidence of the effectiveness and strengths and/or weaknesses of the good practice guidance or examples of individual reasonable accommodations that demonstrate good practice.

### **1.4 Recommendations**

#### **Recruitment and Hiring**

Recruitment and hiring are usually associated with giving initial information and following this up with some form of interaction between the employer and a candidate. To make this interaction efficient, it is recommended to find out as much as possible about the candidate who will use the information, and about their individual needs. If, for example, a person with intellectual disabilities does not get good information in an accessible way, he or she will be left out. It is essential to use the right language for the people for whom the information is intended. It should be remembered that the person who will use the information might not know much about the subject. The subject should be explained clearly and any difficult words to do with that subject should be clarified.

#### **Retention**



There is a lack of evidence in relation to the good practice guides available in the national public domain that are relevant to reasonable accommodation and directed at employers. The absence of examples of and evidence for good practice makes it difficult, or even impossible, to formulate recommendations directed at employers for making reasonable accommodations applicable to initial employment, promotion, career development and retention.

One possible way to address this issue would be to organise a campaign with the aim of identifying and presenting examples of employers' good practice in providing reasonable accommodations for persons with disabilities.

## **2 Support and incentives directed at employers to promote the employment of persons with disabilities, including guides on good practice, websites and advice services**

### **2.1 Employment quotas**

An employment quota exists in the Czech Republic, established by the Employment Act 435.

The quota refers in the Employment Act to persons who are recognised by the social security authority as (a) disabled in the third degree (hereinafter referred to as ‘person with a severe disability’), (b) disabled in the first or second degree), or (c) persons deprived of health.

Employers comply with the quota by (a) employing persons with disabilities, or by what is referred to as a ‘substitute performance’; (b) purchasing products or services from employers whose workforce includes more than 50 % of employees with disabilities, or awarding orders to these employers or purchasing products from sheltered workshops or services provided by persons with disabilities who are self-employed and do not employ any employees, or awarding orders to these persons; or (c) making payments to the state budget, or by a combination of the methods set forth in (a) to (c) above.

Employers can opt to comply with the quota through this ‘substitute performance’ – paying a fee (contribution) to the state budget. The fee is calculated as 2.5 times the average wage in the national economy for the first to third quarter of the calendar year for each person with a disability that the employer should be employing.

#### **Substitute performance in 2021**

The calculation of the amount of substitute performance is based on the average monthly wage for the first to third quarter of 2020, which amounted to EUR 1 398.80 (CZK 34 611).

- Amount of substitute performance for the purchase of goods or services:  
To meet the obligation, it is necessary to purchase products at a value of seven times the average monthly wage. This means that, in this regard, a prospective employer must purchase goods or services for at least EUR 9 791.74 (CZK 242 277) per one person with disability not employed.
- The levy – the amount of contribution to the state budget:  
The levy for 2021 is EUR 3 498.85 (CZK 86 572.50) or 2.5 times the average monthly wage for 2020 and for each person with disabilities not employed. Example: if 75 people are employed but no person with disabilities, the employer will pay EUR 10 490.57 (CZK 259 582.50) to the state.

The exact data regarding the proportion of employers who comply with the employment quota was not found in the public domain. However, anecdotal evidence suggests that a majority of employers comply with the employment quota by substitute performance, rather than by direct employment.

Data on the number of persons with disabilities employed under the quota is not available from a public authority database such the Czech Statistical Office or the employment office database.

There are no programmes to encourage employers to comply with the quota scheme through employing persons with disabilities rather than, e.g. paying a fee /levy or contracting with sheltered workshops.

There is an enforcement mechanism in the form of sanctions that can be imposed for non-compliance. Failure to submit a report on compliance with the quota is considered a violation of the law, with a fine. A fine of up to EUR 40 417.80 (CZK 1 000 000) may be imposed for not employing persons with disabilities, and up to EUR 4 041.44 (CZK 100 000) for failure to comply with reporting obligations (e.g. failure to submit a report). The labour inspectorates and the relevant employment offices monitor the employment of persons with disabilities as part of the quota. Fines for non-compliance with the state budget, including sanctions, are enforced by the customs authorities. Data on fines being issued is not available in the public domain.

The findings of the inspections indicate that one of the reasons for the gaps in the fulfilment of the quota obligations is insufficient knowledge among many employers of how to comply with the quota. Employers often rely on accounting software that calculates this obligation for them, but they are not sufficiently proficient to ensure that the calculation is accurate.<sup>3</sup>

There is an absence of rigorous analysis available that would report on the strengths and weaknesses of the quota. There is an indication that the quota has only a limited impact on the employment of persons with disabilities.

Regarding weaknesses, the quota applies only to employers with more than 25 employees. The quota is incomplete in terms of having a positive impact on motivation.

The 'National Disability Plan 2021-2025' reports that an unfavourable situation persists in the field of employing persons with disabilities, particularly in terms of their engagement in the open labour market. A key task formulated in the previous 'National Disability Plan 2016-2022' was to carry out a complete revision of the system of employment support for persons with disabilities, yet this task has not been accomplished. So far, only partial steps have been taken, primarily in employment in the sheltered labour market. Similarly, the Government Board for Persons with Disabilities reports in its study that, despite the measures taken and the strong financial support for employers, especially those in the sheltered labour market, the employment rate of persons with disabilities is not increasing significantly.<sup>4</sup> The more general

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<sup>3</sup> Occupational Safety Research Institute (*Výzkumný ústav bezpečnosti práce*), 'Kontroly plnění povinného podílu zaměstnávání osob se zdravotním postižením' (Checks on compliance with the mandatory share of employment of persons with disabilities), available at: <https://www.bozpinfo.cz/kontroly-plneni-povinneho-podilu-zamestnavani-osob-se-zdravotnim-postizenim>.

<sup>4</sup> Office of the Government of the Czech Republic, Department of the Secretariat of the Government Committee for Persons with Disabilities (*Úřad vlády České republiky, Oddělení sekretariátu Vládního výboru pro osoby se zdravotním postižením*), 'Průzkum zaměstnávání osob se zdravotním postižením ve vybraných úřadech státní správy v roce 2019' (Survey of employment of persons with disabilities in selected state administration offices in 2019), available at: <https://www.vlada.cz/assets/ppov/vvozp/aktuality/Pruzkum-zamestnavani-OZP-ve-statni-sprave-2019.pdf>.

weakness is that attention has been given primarily to sheltered employment rather than making the quota and other open labour market measures effective.

In 2020, the Ombudsman published the results of a study on the employment of persons with disabilities in the public sector.<sup>5</sup> Three groups of public sector authorities were identified according to how they deal with the quota. The first group are the entities that employ persons with disabilities to a minimal extent and do not specifically concern themselves with the issue. The second group are organisations that attempt to avoid sanctions by paying a contribution to the state budget and which comply with the quota mostly through a combination of employing persons with disabilities and buying products or services. This approach appears to be the most common in practice. The third group of public authorities are those that have experience in employing persons with disabilities and which often exceed the quota. This is about a quarter of organisations. In conclusion, the impact of the quota to encourage the public sector employers is limited and varies significantly.

## **2.2 Tax relief / reduced social security contributions / wage subsidies for employers employing persons with disabilities**

The Income Tax Act<sup>6</sup> stipulates the option for taxpayers who employ persons with disabilities to request a tax reduction.

Any employer may reduce their income tax. For each employee with disability, the employer may reduce the tax for the relevant tax period by:

- tax relief (reduction) for employees with disabilities: it is possible to reduce the calculated tax by EUR 727.44 (CZK 18 000) annually for each employee with disability. This scheme applies to both public and public sector employers;
- tax relief (reduction) for employees with severe disabilities: it is possible to reduce the calculated tax by EUR 2 425.05 (CZK 60 000) annually for each employee with severe disability. The scheme applies to both public and public sector employers.

Evidence assessing the strengths and weaknesses of the tax relief programme was not identified in the public domain.

All employers, private and public, have a duty to pay social security contributions for their employees. There is no instrument connected to reductions in social security contributions on the ground of employing persons with disabilities. However, employers who operate in the sheltered labour market (employers employing more than 50 % of the total number of employees who have a contract with the employment office) are eligible to take out a contribution to support the employment of persons with disabilities. Such employers are provided with a contribution to support the employment of a person with disability in the form of partial reimbursement of expenditure related to wages and associated costs. The contribution is provided by the assigned employment office (in the district of which the employer has its registered

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<sup>5</sup> Ombudsman (*Veřejný ochránce práv*) (2020), *Zaměstnávání lidí s postižením ve veřejném sektoru – pohled zaměstnavatelů Výzkum veřejného ochránce práv 2020*, (Employment of persons with disabilities in the public sector – the view of employers), available at: [https://www.ochrance.cz/aktualne/stat\\_neumi\\_zamestnat\\_lidi\\_s\\_postizenim\\_ukazal\\_vyzkum\\_zastupkyne\\_ombudsmana/zamestnavani\\_-\\_pohled\\_zamestnavatele.pdf](https://www.ochrance.cz/aktualne/stat_neumi_zamestnat_lidi_s_postizenim_ukazal_vyzkum_zastupkyne_ombudsmana/zamestnavani_-_pohled_zamestnavatele.pdf).

<sup>6</sup> Income Tax Act 586, available at: <https://www.zakonyprolidi.cz/cs/1992-586>.

office – legal entity, or residence – natural person). This contribution subsidises the monthly salary appropriations of 75 % of the actual salary expenditures for employees with disabilities, including social security contributions and public health insurance payments.

Evidence assessing the strengths and weakness of the scheme providing for social security contributions was not identified in the public domain. Nevertheless, the impact of such an instrument on the employment of persons with disabilities in the open labour market is unlikely, as only employers operating in the sheltered labour market are eligible to a contribution to support the employment of persons with disabilities through the subsidy of the monthly salary.

The association of employers in the sheltered employment sector criticises the current amount of wage subsidies as inadequate and calls for an appropriate increase. The Ministry of Labour and Social Affairs admits that the current amount is not satisfactory; however, it does not intend to make adjustments to the amount in the near future.<sup>7</sup>

A wage subsidy scheme as such does not exist for the open labour market. However, there are two schemes relating to the additional costs of employing persons with disabilities. First, there is a contribution to employers who employ a person with disability to cover extra expenses connected to the employment of a person with a disability. Such additional expenses include extra administrative expenditure, the cost of transportation, additional materials or finished products, the expenses relating to assistance in the workplace and the cost of accommodation of the workplace. The annual amount of this contribution cannot exceed EUR 1 940.04 (CZK 48 000) per person with disability. This contribution does not include wage subsidies.

Secondly, there is an allowance for the establishment of a new workplace for a person with a disability. This contribution is targeted primarily at employers in the open labour market, and in justified cases, also to employers in the sheltered labour market. The contribution can be provided up to a maximum of eight times or a maximum of twelve times the average wage in the national economy during the previous calendar year. The application for this allowance submitted by the employer to the employment office has to provide a description of the intended workplace. There is no entitlement to this contribution. Agreement on this contribution is negotiated by the employment office with the applicant. An employer who is a beneficiary of this allowance is obliged to keep the workplace established for a person with a disability for at least three years.

The Czech Republic generally falls short in terms of providing a direct wage subsidy programme that would be available to employers (private or public) functioning in the open labour market as opposed to employers that operate in the sheltered labour market (employers employing more than 50 % of the total number of employees who have a contract with the employment office).

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<sup>7</sup> See: <https://nrzp.cz/2022/02/07/informace-c-11-2022-zvyseni-prispevku-na-zamestnavani-ozp/>.

### **2.3 Reasonable accommodation**

In Czechia, the duty to provide reasonable accommodation is stipulated by the Anti-Discrimination Act 198.<sup>8</sup> The legislation goes beyond the European Directive 2000/78, since it declares that failure to provide reasonable accommodation for a person with a disability is a form of indirect discrimination. The Law sets out the general basis for the evaluation of what might be regarded as a 'disproportionate burden' in the context of the duty to provide 'reasonable' accommodation.

### **2.4 Other relevant actions targeted at employers**

The employment of persons with disabilities is not systematically promoted by the Czech public authorities, beyond the actions and instruments embodied in the employment legislation, such as the quota.

### **2.5 Examples of good practice**

The information gained from the public domain and provided under Sections 2.1 to 2.4 is not adequate to identify support and incentive measures directed at employers which could be regarded as good practice referring to existing research. It would be appropriate to initiate a study to identify inspiring measures or practices.

### **2.6 Good practice guides, websites and advice services directed at employers**

Guides, websites or advice services that provide employers with practical advice or information about employing persons with disabilities rarely appear in the Czech public domain. Those which exist are focused primarily on informing stakeholders about obligations and on incentives directed at employers. There is a shortage of guides providing practical information on good practice that is relevant, for example, to collective bargaining agreements or how to enable employers to overcome barriers, make adaptations or recruit and retain employees with disabilities.

Nevertheless, the following example of good practice was identified:

The Endowment Fund for the Support of the Employment of Persons with Disabilities (NFOZP)<sup>9</sup> provides primarily technical consultations for employers on recruitment, hiring, promotion and legal obligations imposed on employers. The second area of the performance of the fund is the commitment to the development of legislation relevant to the labour market and persons with disabilities. NFOZP is a recognised professional organisation as well as an employer of persons with disabilities. It offers consulting services to a range of agencies from various areas of the commercial and non-profit sector, employers of persons with disabilities, educational institutions, and individuals. NFOZP provides on-site assessments of job opportunities for persons with disabilities available at a particular work site, including situational analysis; analyses financial matters associated with the employment of persons with disabilities; and provides long-term consulting and in-house services.

The website and advice services are widely used by employers and other stakeholders, which signifies the effect that NFOZP is having.

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<sup>8</sup> Anti-Discrimination Act 198, available at: <https://www.zakonyprolidi.cz/cs/2009-198>.

<sup>9</sup> See: <https://nfozp.cz/o-nas/>.

### **3 Support and partnerships available to employers to assist them in making reasonable accommodations**

#### **3.1 Support available to employers for making reasonable accommodation**

According to Section 3(2) of the Anti-Discrimination Act 198, indirect discrimination on the grounds of disability shall also mean 'refusal or failure to take appropriate measures to enable a person with a disability to have access to a particular job, work related activities, career progression or other promotion, to use employment advice, or participate in other vocational training, or to use services available to the public, unless such a measure represents a disproportionate burden'. Unlike the European Directive 2000/78, the Anti-Discrimination Act does not give an illustrative list of reasonable accommodation. In addition, Czechia does not provide a systematic support scheme that would be available to employers to facilitate them to make reasonable accommodations. On the other hand, the Anti-Discrimination Act lists certain elements that need to be taken into consideration when addressing whether a certain measure represents a disproportionate burden. Particular attention should be paid to the extent to which the measure would accommodate the needs of the person with disability; the financial and other costs that would be incurred in taking the measure and any disruption to the natural or legal person's activities; the availability of financial or other assistance for taking the measure; and the adequacy of alternative provision or arrangements to accommodate the needs of the person with disability.

The following examples of support available to employers for making reasonable accommodation were identified:

#### **1. Financial: to cover part of the costs of making an accommodation – allowance for the establishing of an employment position for a person with disability**

The contribution for the establishment of a job for a person with disability is provided as a grant for the estimated expenditures that the employer will devote to establish such a workplace. These costs include expenditures relating to adaptation of the workplace environment or the provision of specific or accessible equipment. The employment office negotiates an agreement (partnership) with the employer. In this agreement, what the employment office explicitly contributes to needs to be set out specifically (e.g. the purchase of a desk, a computer with voice output, the adaptation of a workplace for wheelchair users, etc.). The total amount of the contribution is also agreed. The contribution is provided once or in several payments in advance. The contribution is reimbursed to the employer's account on the dates specified in the agreement. When deciding on the provision of this contribution, the employment office assesses the prospects of applying for a person with a disability to be placed in the job, the current financial situation in the regional labour market and whether the applicant draws additional allowances and subsidies. Specifically, the employment office will assess the number and structure of vacancies in the region and the employability of a particular person in the labour market, his abilities, and competencies (qualifications, current length of employment, skills, motivation), the economic situation of persons with disabilities and social threats. There is no legal entitlement to this contribution. Both employers in the open market and those in the sheltered labour market, can receive a contribution for the establishment of an accommodated workplace for a person with a disability.

The weakness of this contribution system is its complexity and the demanding level of administration associated with the agreement (partnership) procedure and with

justifying the purpose and amount of the contribution. In addition, employers are committed through the agreement to maintain the funded workplace for at least three years.<sup>10</sup> Data on how widely this scheme is used is not available in the public domain. Anecdotal evidence suggests that employers appear to be discouraged by the three-year requirement from applying for a contribution towards the establishment of a workplace for a person with disability.

## **2. Financial: to cover part of the operational costs – contribution to cover operational costs incurred in connection with the employment of a person with disability**

The employment office may provide a contribution to the operational costs incurred in connection with the employment of a person with a disability on the basis of a written agreement (partnership) with an employer who employs a person with a disability. There is no legal entitlement to this contribution. It is provided to a maximum amount of EUR 1 940.04 (CZK 48 000) per year. The contribution is provided in advance on a quarterly basis or in another agreed period. Reimbursement of operational costs is not possible.<sup>11</sup>

Increased administrative costs, costs of operating staff and work assistants, transport costs in connection with the employment of persons with disabilities, costs of adapting the workplace and other costs are considered as operational costs. Negotiation and possible agreement on this contribution will take place on the basis of an application submitted by the employer. Key prerequisites include:

- 1) the employee is recognised as a person with disability in the first, second or third disability degree category;
- 2) the employee does not work outside the employer's workplace.

When deciding on the provision of this allowance, the employment office assesses the eligibility and necessity of the costs for which the employer requests the allowance and whether the applicant draws additional allowances and subsidies for employing a person with disability, and evaluates the applicant's current approach to employing persons with disabilities. In order to claim operational costs, the employer is required to prove that these costs are directly related to the employment of persons with disabilities. If the employer does not prove it with the necessary documents, the operational costs will not be acknowledged. The process is set by the administrative procedure.

The legal system concerning allowances for supporting the employment of persons with disabilities shows some ambiguities or difficulties of interpretation in connection with the decision on the application for the allowance. The justified filing of complaints against decisions by employment offices has helped to clarify such ambiguities in some

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<sup>10</sup> Expert group for people with disabilities and socially excluded people (*Expertní skupina pro osoby se zdravotním postižením a osoby sociálně vyloučené*), 'Bariéry vstupu OZP na trh práce a cesty k jejich překonání' (Barriers to the entry of PWD into the labour market and ways to overcome them), available at: [https://ipodpora.odborny.info/soubory/dms/wysiwyg\\_uploads/0913e2cfd408ab51/uploads/01.%20es%20pro%20osoby%20se%20zp%20a%20osoby%20socialne%20vylocene%20-%20bariery%20vstupu%20ozp%20na%20trh%20prace%20a%20cesty%20k%20jejich%20prekonani.docx](https://ipodpora.odborny.info/soubory/dms/wysiwyg_uploads/0913e2cfd408ab51/uploads/01.%20es%20pro%20osoby%20se%20zp%20a%20osoby%20socialne%20vylocene%20-%20bariery%20vstupu%20ozp%20na%20trh%20prace%20a%20cesty%20k%20jejich%20prekonani.docx).

<sup>11</sup> See: <https://www.mpsv.cz/-/prispevky-na-provozni-naklady-zamestnavani-ozp>.



cases. It can be acknowledged that the current decision-making practice of the Supreme Administrative Court in particular tends to increase the number of cases in which the employer is actually entitled to a contribution to support the employment of persons with disabilities.

An allowance to cover operating costs cannot be provided for a person who works outside the employer's workplace (i.e. for an employee who works from home).

### **3. Advice / guidance: Guide for the Inclusion of Persons with Disabilities – Vysočina Regional Authority<sup>12</sup>**

The guide expands on measure 5 in the regional disability action plan. The guide's contents are structured as covering three activities, with an overarching aim of supporting the regional authority administration to identify within the respective work environment potential employment opportunities for person with disabilities and to make reasonable accommodations with the aim of preventing potentially discriminatory practices. The first activity proposed is a survey conducted by an assigned person among senior officials working in a respective public administration authority to detect potential employment opportunities for persons with disabilities. The second activity recommended is the assessment of current workplaces which might be potentially accommodated for persons with disabilities (barriers, barrier-free access, available means of communication, etc.). Finally, the third activity is related to enhancing the communication skills of the regional authority administration personnel to communicate with persons with different disabilities. This activity draws on presumption that staff working in the regional authority administration often have limitations in communicating with persons with disabilities. Evidence on the strengths and weaknesses of this example was not identified in the public domain.

The effectiveness of support provided by the employment office appears inadequate despite the increased funding allocated to active employment policy and measures in recent years.<sup>13</sup>

The current legal framework of support for employers to assist them in making reasonable accommodations features several obstacles. For employers in the open labour market, the support system is administratively complex, and employers are afraid of the 'unknown' and have no one to turn to for practical advice. The employment offices lack capacity and there is no other support structure.<sup>14</sup>

Some limited information on this topic might be found in the country reports of the European Equality Law Network<sup>15</sup> ('Country report: non-discrimination') in Section 2.6

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<sup>12</sup> Vysočina Regional Authority, '*Manuál pro začleňování osob se zdravotním postižením Krajský úřad Kraje Vysočina*' (Handbook for the Inclusion of People with Disabilities), available at: [https://m.kr-vysocina.cz/assets/File.ashx?id\\_org=450008&id\\_dokumenty=4094235](https://m.kr-vysocina.cz/assets/File.ashx?id_org=450008&id_dokumenty=4094235).

<sup>13</sup> Šiška, J. and Káňová, S., *European Semester 2020-2021 country fiche on disability equality – Czechia*, available at: <https://op.europa.eu/en/publication-detail/-/publication/0e0f4be9-a714-11eb-9585-01aa75ed71a1>.

<sup>14</sup> Expert group for people with disabilities and socially excluded people, '*Bariéry vstupu OZP na trh práce a cesty k jejich překonání*', (Barriers to the entry of PWD into the labour market and ways to overcome them'), available at: [https://ipodpora.odborny.info/soubory/dms/wysiwyg\\_uploads/0913e2cfd408ab51/uploads/01.%20es%20pro%20osoby%20se%20zp%20a%20osoby%20socialne%20vyyloucene%20-%20bariery%20vstupu%20ozp%20na%20trh%20prace%20a%20cesty%20k%20jejich%20prekona%20ni.docx](https://ipodpora.odborny.info/soubory/dms/wysiwyg_uploads/0913e2cfd408ab51/uploads/01.%20es%20pro%20osoby%20se%20zp%20a%20osoby%20socialne%20vyyloucene%20-%20bariery%20vstupu%20ozp%20na%20trh%20prace%20a%20cesty%20k%20jejich%20prekona%20ni.docx).

<sup>15</sup> See: <https://www.equalitylaw.eu/>.

of each report on reasonable accommodation. However, further research will be needed to provide all the requested information.

### **3.2 Partnerships to assist employers to make reasonable accommodations**

Assistance for employers in making reasonable accommodations takes place exclusively on the basis of an agreement between an employer and the respective employment office. Information concerning the partnerships that exist, and what determines the effectiveness of those partnerships relating to support for employers to enable/facilitate them to make reasonable accommodations was identified in the public domain for the Café Restaurant Kačaba, in Pilsen. Further research beyond desk study would be needed to provide all the requested information for other examples.

The employer Café Restaurant Kačaba was established with the support of the European Regional Development Fund, the European Social Fund, the state budget of the Czech Republic and the budget of the Pilsen Region as a social inclusion programme with a transit programme in 2005. Kačaba operates as a place of occupational rehabilitation with a transition programme. This programme is designed for young people with intellectual disabilities on their way from school to employment. An agreement on ensuring occupational rehabilitation is regularly concluded between the Kačaba organisation and the locally competent employment office (the Pilsen City Employment Office). Based on an agreement, so-called occupational rehabilitation plans are prepared for each participant in occupational rehabilitation for the period during which the employment office then pays financial support to the employer for job adaptation, and assistance to the participant in occupational rehabilitation. In the past, the employment office also concluded an agreement with the Kačaba organisation on the establishment of several jobs for persons with disabilities who had employment contracts with the organisation. Based on this agreement, a contribution for the accommodation of a given number of jobs is provided by the locally competent employment office.

## 4 Illustrative examples of good employer practice for providing reasonable accommodations for persons with disabilities

### 4.1 Good practice guides for employers regarding reasonable accommodation

The public domain is short on examples of the provision of good practice guidance relevant to reasonable accommodation that would be directed at employers in the public and private sectors. This conclusion can be interpreted as a result of limited attention given by the stakeholders to reasonable accommodation in employment. In addition, further research beyond this desk study would be needed to provide all the requested information.

Publications or guides that are, to some extent, focused on reasonable accommodation include:

#### Example 1

Publication: *Ergonomie pracovních míst a pracovní podmínky zaměstnanců se zdravotním postižením (Ergonomics of jobs and working conditions of employees with disabilities)*.<sup>16</sup>

The book was published by the MoLSA research institute in 2009. The publication summarises the knowledge linked to the workplace ergonomics gained both through both international research and through practice. The book examines the individual elements of the ergonomics of the workplace in an accessible way, evaluates them, places them in the context of the requirements of current legislation and presents some practical recommendations for improving the shortcomings that often occur in our workplaces. The aim of this publication is to enable the implementation of ergonomic principles concerning the workplace, to draw attention to its essential elements, such as desk, seat or aids, and, from the point of view of the work environment, to draw more attention to factors that affect work conditions (e.g. microclimatic conditions, lighting, but also mental stress and more). The publication falls short in providing information about instruments for reasonable accommodation applied in the Czech Republic. Evidence on how the publication is being used by employers and any effect the publication is having was not found in the public domain.

#### Example 2

Website: [‘Ergonomie pracovního místa pro hendikepované osoby. Postupy pro hodnocení kvality pracovního místa osob se zdravotním postižením’](#) (Ergonomics of the workplace for persons with disabilities: procedures for evaluating the quality of the workplace of persons with disabilities).<sup>17</sup>

The Czech Research Institute of Occupational Safety is partly engaged in the agenda of reasonable accommodation in employment. On its website, the Institute presents some strategies for assessing a workplace in the context of disability. The website offers checklists for assessing the fulfilment of ergonomic requirements and the suitability of working conditions at workplaces, which include individual criteria for

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<sup>16</sup> Skřehot, P. et al, (2009), *Ergonomie pracovních míst a pracovní podmínky zaměstnanců se zdravotním postižením* (Ergonomics of jobs and working conditions of employees with disabilities), p. 181, available at: <https://vubp.cz/soubory/produkty/publikace-ke-stazeni/ergonomie-pracovnich-mist-a-pracovni-podminky-zamestnancu-se-zdravotnim-postizenim.pdf>.

<sup>17</sup> See: <https://zsbozp.vubp.cz/pracovni-podminky/specificke-skupiny-zamestnancu/zamestnavani-zdravotne-postizenych/417-ergonomie-pracovniho-mista-pro-hendikepovane-osoby>.

working conditions based on legally recommended values (e.g. dimensions, properties, risk factor limits, work time schedule), taking into consideration other data characterising the workplace and the work performed. Evidence on whether or to what extent these procedures are being used in practice was not identified in the public domain.

### **Example 3**

Guideline for advertising of vacancies, the provision of information to job applicants

Together with other European partners, the Inclusion Czech Republic (SPMP ČR) organisation<sup>18</sup> developed guidance on how to compose easy-to-understand information. The SPMP ČR has promoted the use of intelligible language in public authorities and agencies, including those engaged in recruitment and hiring. The guidance responds to questions about how to make such public agencies accessible to persons with communication difficulties. The SPMP ČR recommends in the guidance that the term 'easy-to-read language' should not be understood as an absolute. What is understandable to one person may not be understandable to another. Intelligibility of information applies to the particular reader to whom the information is directed. Communication in a plain language should be meaningful, unambiguous and understandable even after the first reading.

## **4.2 Any other sources of information regarding good practice for employers regarding reasonable accommodation**

Reasonable accommodation is gradually becoming a concern of researchers across disciplines including workplace design. The research study Barrier-Free Work Environment explores some elements of reasonable accommodation with the aim of generating a work environment accessible for persons with disabilities. The study presents some international examples of good practices relevant to reasonable accommodation.<sup>19</sup>

## **4.3 Examples of individual reasonable accommodations which reveal good practice**

There appear to be numerous websites and other online channels relating to the engagement of employers in the employment of persons with disabilities. Unfortunately, the focus of these information channels is entirely on the legal obligations of employers in relation to disability, and on incentives directed at employers to promote the employment of persons with disabilities. Some evidence is also referred to in the EDE semester country report on the Czech Republic. However, these reports lack examples of individual reasonable accommodations that demonstrate good practice.

In addition, there are few examples of individualised reasonable accommodations available in the public domain. It is suggested that examples should be collected and a catalogue prepared that would take stock of the different approaches in both public and private sectors and among small, medium and larger employers operating in

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<sup>18</sup> See: <https://www.spmpcr.cz/pristupna-spolecnost/>.

<sup>19</sup> Geržová Y. (2014), *Pracovní prostředí bez bariér* (Barrier-free work environment), Technical University of Brno, Faculty of Architecture, available at: [https://www.vut.cz/en/people/yvona-boleslavska-105558/publikace?aid\\_redir=1](https://www.vut.cz/en/people/yvona-boleslavska-105558/publikace?aid_redir=1).

different industries, based on a rigorous research strategy and carried out in the field as opposed to desk research. With respect to various forms of disability, such a catalogue would present a wide range of themes of engagement with persons with disabilities in the workplace, including good practice around reasonable accommodation, job retention and staff awareness training.

Similarly, the nature of this thematic report does not allow for conducting a more systematic inquiry with the aim of detecting what constitutes good practice. It is therefore suggested that a framework of quality in reasonable accommodation should be prepared. It would allow for the collection and examination of best practices / models of supporting the employment of persons with disabilities in the labour market in order to reinforce the capacity of different stakeholders to engage in improving the access to actual employment for persons with disabilities. It would also support an increase in the availability and quality of work and career opportunities; allow for the process to be built around a person; and support personal autonomy and the development of empowering environments.

### **Assistive technologies**

During the research the author came across a study programme that is focused on technical solutions to enhance the autonomy of persons with disabilities.

The Technical University of Ostrava<sup>20</sup> offers an undergraduate study programme in Assistive Technologies. The study programme is focused on complex technical solutions to support and enhance the autonomy of persons with disabilities in various life domains, including engagement in employment. The programme mediates the acquisition of knowledge and skills in the fields of electrical engineering, medical technology, telemedicine, informatics, and telecommunications. It also includes subjects related to social care, psychology and nursing. It is a unique combination of technical skills to support the active life of people with disabilities.

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<sup>20</sup> See: <https://www.vsb.cz/en>.

## **5 Recommendations and guidance regarding good practice and reasonable accommodation**

### **5.1 Recommendations regarding good practice and reasonable accommodation in recruitment and hiring**

Guidance for employers should be prepared on how to advertise vacancies and information in an easy-to-read format, allowing verbal responses instead of written responses and using online technologies, assistive devices and augmentative strategies for communication with candidates with intellectual and developmental disabilities.

### **5.2 Recommendations regarding good practice and reasonable accommodation in initial employment**

There is an absence of evidence of good practice guidance available in the national public domain relevant to reasonable accommodation directed at employers. The absence of good practice examples makes it impossible to formulate practice-based recommendations directed at employers for making reasonable accommodations applicable to initial employment.

### **5.3 Recommendations regarding good practice and reasonable accommodation in promotion and career development**

There is an absence of evidence of good practice guidance available in the national public domain relevant to reasonable accommodation directed at employers. The absence of good practice examples makes it impossible to formulate practice-based recommendations directed at employers for making reasonable accommodations applicable to promotion and career development. Further research beyond desk study would be needed to provide the requested information.

### **5.4 Recommendations regarding good practice and reasonable accommodation in retention, i.e. enabling people to stay in work if they develop an impairment or their impairment changes**

There is a shortage of evidence of good practice guidance available from the public domain relevant to reasonable accommodation directed at employers. The unavailability of publicly available examples of good practices makes it impossible to formulate practice recommendations directed at employers for making reasonable accommodations applicable to retention. Further research beyond desk study would be needed to provide the requested information.

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