

REPORT ON THE COMPARISON OF THE AVAILABLE STRATEGIES FOR PROFESSIONAL INTEGRATION AND REINTEGRATION OF PERSONS WITH CHRONIC DISEASES AND MENTAL HEALTH ISSUES

BASED ON FIVE CATEGORIES OF SOCIAL WELFARE MODELS IN EUROPE

Czech Republic: country report

Main legislative frameworks on chronic diseases, mental health and employment

There is no legislation that regulates specifically the employment of persons with chronic diseases. Eligible persons from this group are covered by the broader legislation on the employment of persons with disabilities. Persons with health problems but without officially recognised disabilities can receive employment support that is available for persons with disabilities in cases when such measures are recommended by bodies assessing their functionality or if NGOs specialised in relevant health conditions (e.g. cancer or diabetes associations) can obtain funding for such support.

Main legislative frameworks on disability and employment

- Act no.198/2009 Coll. on equal treatment and legal means of protection against discrimination.
- Part III of the Law on Employment No. 435/2004 Coll.1 (on employment of persons with disabilities)
- National Plan supporting equal opportunities for people with disabilities 2015 -2020 (non-binding).
- Act no.518/2004 Sb. Directive on vocational rehabilitation for people with disabilities.
- Act No. 329/2011 Coll. on Providing Benefits for People with Disabilities
- Employment Strategy 2013-2020;
- Ratified the UNCRPD on 28 September 2009.

¹ <http://business.center.cz/business/pravo/zakony/zamestnanost/cast3.aspx>

Policy provisions on mainstream and specialist employment programmes

Regional Labour offices are responsible for employment services such as counselling, job seeking, job matching, etc. Persons with health issues and disabilities can be referred to vocational rehabilitation, training or retraining programmes by Labour Offices, based on the needs of persons. Such programmes are normally contracted from NGOs and other service providers.

Policy provisions on access to employment support

Vocational rehabilitation is accessible for persons with functional limitations. The functional assessment of persons with disabilities or health problems is carried out by prevocational centres where a common assessment methodology is used (ICF). The assessment is focused on the working potential and individual limitations. There are 13 prevocational centres across the country. Persons can be referred to prevocational centres by general practitioners, other physicians or Labour offices. Pre-vocational centres provide the results of assessment to labour offices, who in turn can provide relevant employment services.

Policy provisions promoting stakeholder cooperation and integration of services

At policy level there is recognition of the importance of inter-agency cooperation, but in practice the cooperation is not well-established. Labour offices are “overwhelmed” and therefore are “passive” at seeking cooperation with local social departments, patients’ organisations, NGOs and companies. A recent policy reform resulted in the partial transfer of duties, including a responsibility for the payments of disability allowances, to Labour offices. However, the responsibility to work with people remained with social care departments of municipalities and there are no mechanisms for sharing data and information.

While labour offices have a range of services supporting the work integration of persons with reduced work capacity, information about these services is often not available for users. Under the National Plan on equal opportunities for persons with disabilities, Measure 13.12 specifically indicated that persons with disabilities should be better informed about the possibility of vocational rehabilitation, counselling and other instruments offered by the Labour office. The Employment Policy strategy of the Czech Republic also highlights the importance of developing Information and Guidance Centres at Labour Offices of the Czech Republic. Individual service providers also hold awareness raising campaigns.

Policy provisions promoting persons-centred approach and individualised service provision

Labour offices can provide individual action plans for all job seekers to improve their employment chances. Individual action plans are based on personal skills, qualifications and capabilities, and involve a schedule and description of measures to be taken in the process of job search. In addition to this, persons with disabilities are entitled to have individual plans for vocational rehabilitation compiled for them by Labour offices (in cooperation with persons with disabilities). However, personal support provided by Labour Offices is deemed insufficient in practice. According to an opinion of one user organisation in the Czech Republic, vocational rehabilitation programmes sometimes “target different needs” and staff at Labour Offices do not have a “personalised approach” and “passively register the unemployed and pay disability benefits.”

Policy provisions on localised and accessible employment service provision

The central body overseeing the (re-)integration of disadvantaged groups in the labour market is the Ministry of Labour and Social Affairs. The Ministry manages and provides methodological guidance for Labour offices, which are spread across regions. Individuals can access Labour offices based on the address of their permanent residence. Labour offices work together with prevocational centres in respective regions. In total there are 13 prevocational centres in the Republic.

In addition, for persons with disabilities, there are programmes of supported employment, sheltered workshops, social enterprises that are scattered unevenly across the country: while in some regions these programmes are poorly developed, in others they work very well.

Prominent actors in the field of professional (re-)integration services are government funded Labour offices that work in cooperation with prevocational centres. Labour offices work provide vocational rehabilitation and retraining programmes for persons with disabilities, which can be outsourced.

European and state funding plays an important role in supporting NGOs in their projects on supported employment and employment integration. Individual NGOs and patients associations can develop employment programmes tailored to the needs of their target groups.

Employment support in the open labour market

The concept of supported employment is not explicitly mentioned in Czech legislation but its main principles are followed in designing other tools used to support persons with disabilities and ill-health in employment. The main tool used in the Czech Republic for this purpose is vocational rehabilitation (Pracovní rehabilitace). The tool was introduced in Part III of the Law on Employment No. 435/2004 Coll.² It is defined as a continuous activity aimed at obtaining and maintaining suitable employment for people with disabilities. Vocational rehabilitation envisages employment in the labour market and involves measures tailored to individual needs and counselling. The Labour offices provide funding for vocational rehabilitation and works in cooperation with employers, educational institutions, NGOs, doctors and health care services. Vocational rehabilitation is accessible for persons with disabilities but also for persons with health conditions causing a reduced working capacity in cases when this intervention is recommended by an attending doctor or by social security authorities. Following are tools that could be used as part of vocational rehabilitation:

- Retraining (rekvalifikace) - Labour offices can recommend and facilitate retraining support jobseekers. Funding is provided for costs associated with retaining as well as for retraining support (equivalent to 60% of the average income received at the most recent work but not exceeding 65% of the average wage in the Czech Republic) to persons undergoing retraining courses for the same period as unemployment support. Retraining must be approved by the Labour Office and agreed with the jobseeker.
- Counselling programmes (poradenské programy) - are organized as group activities aimed at promoting job seekers' self-confidence and motivation. These programmes try to develop and deepen communication, computer and presentation skills as well as to provide information about job search and job management techniques.

Despite the fact that national legislation does not have specific provisions on supported employment programmes, such programmes do exist. In 2000, the Czech Union for Supported Employment was established with an aim to promote, facilitate the development of supported employment. The union has numerous members that provide supported employment services to persons with different types of disabilities, mental health problems and chronic diseases.

² <http://business.center.cz/business/pravo/zakony/zamestnanost/cast3.aspx>

Employment support through Social enterprises or social cooperatives

Social cooperatives are legally recognised by the Czech law on commercial corporations No. 90/2012 Coll. as entities that pursue beneficial activities to promote social cohesion through work and social integration of disadvantaged people in society, prioritizing the satisfaction of local needs and utilization of local resources particularly in the area of job creation, social services and health care, education, housing and sustainable development. The Ministry of Labour and Social Affairs provides grants for social enterprises specialised in work integration of disadvantaged groups.

Employment support through sheltered work

A sheltered work position (chráněné pracovní místo) is a position created by an employer for an individual with a disability based upon a written agreement with the Labour office. A sheltered workshop is a work unit in which a minimum of 60% of the employees are persons with disabilities. Financial support for operating a sheltered working place or sheltered workshops can be provided through a partial reimbursement of operating costs and labour costs. In general, public employment offices try to place jobseekers in the open labour market through vocational rehabilitation, with sheltered employment being an option of last resort for persons with severe disabilities. Negligent implementation of vocation rehabilitation programmes, however, leads to an increasing number of persons with disabilities in sheltered workshops, according to a user interviewed as part of the study.

Incentives for persons with NCDs to participate in activation programmes

Persons undergoing retaining (approved by a Labour office) can receive retraining support (equivalent to 60% of the average income received at the most recent work but not exceeding 65% of the average wage in the Czech Republic) for the same period as unemployment support.

Persons with disabilities can be entitled to:

- Full disability pensions – paid to insured persons who become “fully disabled” as a result of an injury at work or an occupational disease;
- Partial disability pensions - paid to insured persons with a disability caused by an injury at work or an occupational disease.

Partial disability benefits may be compatible with work in certain cases:

- If monthly income earned does not exceed 66% of the personal assessment base on which the pension was calculated, the partial disability pension is paid in its full amount.
- If monthly income is between 66% and 80% of the assessment base, the partial disability pension amounts to 50% of the calculation base.
- If monthly income exceeds 80%, the partial disability pension is not paid.

Partial disability pension is paid in its full amount, if the total earned income in a calendar year does not exceed the sum of the minimum subsistence level multiplied by twelve (effective on 1st January of the relevant calendar year in which the average monthly income of the person concerned is assessed). Partial disability pension is also paid regardless of earned income, if the person was awarded pension due to disability considerably aggravating her/his general living conditions. This type of pension is awarded even if the beneficiary works abroad. In other cases when the person concerned works abroad, the partial disability pension is not paid.

Act No 329/2011 Coll. on Providing Benefits for People with Disabilities and Amendments of Related Acts, as amended, regulates financial benefits (allowance for mobility, grant for special aid) and the certificate of a person with a disability. Through them the State helps to reduce social consequences of disability and support social inclusion.

The country's Employment strategy 2020 promotes measures aimed to reduce the dependence of certain groups on social incomes.

Financial incentives for employers to recruit/retain persons with NCDs

By law, employers with a workforce where more than 50% are persons with disabilities are entitled to a financial contribution. Business entities that create jobs for persons with disabilities can receive a financial contribution of up to eight times the average wage by their respective labour office. According to Act No. 435/2004 Coll. on Employment, Part Three, Section 79, Labour Offices are also responsible for providing information and advice on issues related to employing people with disabilities, as well as funding for adaptations to workplaces in the open labour. In addition, employers receive a discount on income tax and can be fully reimbursed for costs of training for employees with disabilities.

Non-financial incentives for employers to recruit/retain persons with NCDs

This type of incentivising is not emphasized in policy initiatives. However, there are initiatives coming from non-profit organisations, such as Rytmus - Od klienta k občanovi o.p.s., which works on explaining employers the benefits of working with persons with disabilities. Among other things the NGO emphasizes the more effective use of qualified employees, strengthening of companies' social responsibility, promotion of good practices and improved corporate culture³. Initiatives such as this one are not too common and are rather promoted by individual organisations and not by the government.

Duties of persons with NCDs

Persons with a disability are not obliged but rather have a right to seek employment. Their disability benefits are not dependent on their participation in vocational rehabilitation activities.

Duties of employers

Under the Act No. 435/2004 Coll., employers with workforce of more than 25 people are required to employ individuals with disabilities to the proportion of 4% of the total number of employees. This obligation can be met by:

- Actually employing persons with disabilities;
- Buying products or services from employers with a workforce consisting for more than 50% of persons with disabilities;
- Paying a penalty to the state;
- Combining all the above-mentioned methods.

Under the National Plan 2015-2020 on equal opportunities for persons with disabilities, public administration authorities and their organizational units should strive for direct employment of persons with disabilities, increase the number of employees with disabilities and submit data on the development of the employment of persons with disabilities in the individual ministries.

³ <http://www.czechmarketplace.cz/en/11515.discussion-on-best-practices-for-employers-of-people-with-disabilities>

General and specialised employment services for persons with NCDs

CEREBRUM, an Association of persons with brain injury and their families, provides services such as cognitive training, requalification programmes, occupational therapy, functional and vocational assessment, self-help groups, cooperation with employers, social advice and support, practical display of various professions.