



# Veřejný ochránce práv

## OMBUDSMAN

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### Report pursuant to Section 24 (1)(b)

of Act No. 349/1999 Coll., on the Public Defender of Rights, as amended  
(hereinafter also the “Public Defender of Rights Act”)

on individual cases where adequate remedial measures were not ensured even  
through the procedure pursuant to Section 20

In this Report, I inform the Chamber of Deputies of the Parliament of the Czech Republic of cases where adequate remedy was not ensured even by means of notifying the superior authority or the Government or by informing the public of the findings made in investigations.

#### **Incorrect procedure by the Ministry of Labour and Social Affairs in respect of a decision on removal of a job seeker from the records of job seekers**

The Ministry of Labour and Social Affairs refused to cancel a decision by which the Labour Office of the Czech Republic removed a job seeker from the records on the grounds of his failure to appear for an information meeting. The Ministry of Labour and Social Affairs failed to **take into consideration that the job seeker has long been suffering from memory impairment.**

The Labour Office of the Czech Republic removed a job seeker from the records of job seekers on the grounds of non-fulfilment of the conditions stipulated in his individual action plan as he had failed to appear for an information meeting. The job seeker objected in the administrative proceedings that he was suffering from memory impairment, which **he documented by psychological evaluation**, and that this was the reason why he failed to appear for the meeting in time. The decision of the Labour Office of the Czech Republic was confirmed in the subsequent appellate procedure by the Ministry of Labour and Social Affairs. The job seeker therefore filed a complaint with the Public Defender of Rights.

Within my investigation, I found the procedure taken by the Labour Office of the Czech Republic and the Ministry of Labour and Social Affairs incorrect, because they both failed to treat the presented medical certificate (on psychological evaluation) as serious grounds for the failure to appear at the meeting. I consider the approach taken by both these authorities **excessively formalistic** insofar as they argue that it cannot be proven that the memory impairment actually affected the job seeker on the date of the agreed meeting. **The job seeker’s memory impairment has a long-term nature**, which was confirmed by the said evaluation, and the two authorities should therefore have taken this fact into consideration.

The Labour Office of the Czech Republic subsequently promised that it would pay increased attention to similar cases in the future and would regularly discuss

complex cases at internal meetings with a view to ensuring uniform approach by all its employees. I consider this measure sufficient to prevent possible future recurrence of the incorrect procedure.

However, to remedy the situation of the complainant, who was removed from the records of job seekers based on an excessively formalistic decision, I suggested that the Ministry of Labour and Social Affairs cancel both decisions in review proceedings. However, my proposal was rejected.

Since remedy by the Ministry of Labour and Social Affairs was not attained even after I had exercised my authority to impose a penalty pursuant to the Public Defender of Rights Act in view of the aforesaid state of affairs and after I had informed the public through a press release of 14 December 2014, I hereby submit this information to the Chamber of Deputies of the Czech Parliament.

I will continue requesting a less formal approach to job seekers in justified cases. If necessary, I will also instigate an amendment to Act No. 435/2004 Coll., on employment, as amended.

In Brno, on 29 January 2015

Mgr. Anna Š a b a t o v á, Ph.D.  
Public Defender of Rights