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Public Defender of Rights

WORK-LIFE BALANCE ON CZECH MINISTRIES



**FINAL REPORT ON THE
SOCIOLOGICAL RESEARCH**

2017

MISSION OF THE PUBLIC DEFENDER OF RIGHTS

This Report deals solely with the activities of the Public Defender of Rights as the national equality body, a role which was bestowed on the Defender at the end of 2009. Act No. 349/1999 Coll., on the Public Defender of Rights, as amended, gives the Defender a broader range of powers.

Since 2001, the Defender has been defending individuals against unlawful or otherwise incorrect procedure of administrative authorities and other institutions as well as against their inactivity. The Defender may peruse administrative and court files, request explanations from the authorities and carry out unannounced inquiries on site. If the Defender finds errors in the activities of an authority and fails to achieve a remedy, the Defender may inform the superior authority or the public.

Since 2006, the Defender has acted in the capacity of the national preventive mechanism pursuant to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Defender systematically visits facilities where persons are restricted in their freedom, either ex officio or as a result of dependence on the care provided. The purpose of the visits is to strengthen protection against ill-treatment. The Defender generalises his or her findings and recommendations in summary reports on visits and formulates standards of treatment on their basis. Recommendations of the Defender concerning improvement of the conditions found and elimination of ill-treatment, if applicable, are directed both to the facilities themselves and to their operators and the central governmental authorities.

Since 2011, the Defender has also been monitoring detention of foreign nationals and the performance of administrative expulsion.

In January 2018, the Defender started to act as a monitoring body reviewing the implementation of rights recognised in the Convention on the Rights of Persons with Disabilities, and helping foreign European Union citizens who live and work in the Czech Republic. The Defender provides them with information on their rights and helps them in case of suspected discrimination on the grounds of citizenship. The Defender also co-operates with foreign bodies with similar responsibilities regarding Czech citizens abroad.

The special powers of the Defender include the right to file a petition with the Constitutional Court seeking the abolishment of secondary legal regulations, the right to become an enjoined party in Constitutional Court proceedings on annulment of a law or its part, the right to file an administrative claim to protect a general interest or application to initiate disciplinary proceedings with the president or vice-president of a court. The Defender can also make recommendations to the Government concerning adoption, amendment or repealing of a law.

The Defender is independent and impartial, and accountable for the performance of his or her office to the Chamber of Deputies, which elected him or her. The Defender has one elected deputy, who can be authorised to assume part of the Defender's competence. The Defender regularly informs the public of his or her findings through the media, Internet, social networks, professional workshops, roundtables and conferences. The most important findings and recommendations are summarised in the Annual Report on the Activities of the Public Defender of Rights submitted to the Chamber of Deputies.

I) Survey results overview

Reasons for adopting work-life balance measures

From the employer's point of view, it makes sense to ask whether and why to support work-life balance. Should the employer concern itself with out-of-work life, i.e. the privacy of its employees? What are the impacts of supporting work-life balance? Foreign as well as domestic surveys confirm¹ that there is a relation not only between worker satisfaction and flexible work and benefits supporting work-life balance, but also between economic development and the growth of the organisation². Satisfied employees are more engaged: they care about work effectiveness and are more loyal to their employers, to name just a few advantages. Worker turnover decreases if employers devote sufficient attention to the issues of work-life balance. Paying attention to work-life balance thus presents an economic strategy also in the area of public administration, i.e. the civil service. A greater emphasis on keeping good civil servants can contribute to a significant reduction in the costs associated with recruitment of new employees.

Advantages of introducing flexible forms of work for the employer³



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- 1 Cf. e.g. Baumeister, Theresa. 2012. Sladování rodinného a pracovního života - rodina jako základ úspěchu (Work-life Balance – Family as the Basis of Success). In: Bosničová, N. and J. Kolářová (eds.). 2012. Kde to ladí a kde to skřípe: sladování práce a péče v mezinárodní perspektivě (What Works and What Does Not: Balancing Work and Care in International Perspective). Prague: Gender Studies. Machovcová, Kateřina (ed.). 2012. Možnosti a bariéry zaměstnávání rodičů. Praktické tipy pro zaměstnavatele. (Possibilities and Barriers for Working Parents: Practical Tips for Employers.) Prague: Gender Studies.
 - 2 European Commission. The Costs and Benefits of Diversity: A Study on Methods and Indicators to Measure the Cost-Effectiveness of Diversity Policies in Enterprises. [online]. 2003 [retrieved on: 2017-08-30]. Available at: <https://www.coe.int/t/dg4/cultureheritage/mars/source/resources/references/others/17%20-%20Costs%20and%20Benefits%20of%20Diversity%20-%20EU%202003%20ExSum.pdf>
 - 3 The chart originally appeared in Diverzita v praxi: Metodika řízení diverzity a sladování pracovního a soukromého života na pracovišti (Diversity in Practice: a Methodology for Managing Diversity and Work-life Balance at a Workplace). [online] Prague: Institute of Sociology of the Czech Academy of Sciences, 2015, pp. 28-33. [retrieved on: 2017-08-30]. ISBN: 978-80-7330-266-5. Available at: http://diverzita.soc.cas.cz/sites/diverzita.soc.cas.cz/files/metodika_diverzita_v_praxi_0.pdf

I) Survey results overview

The advantages of flexible forms of work for the employees

- A. staying in touch with the workplace/job;
- B. maintaining professional qualifications and contacts;
- C. possibility to learn something new;
- D. financial independence;
- E. solution to unavailability of childcare facilities, carers for adults, retirement homes etc.;
- F. stress reduction;
- G. improving health and fitness.

Summary of results of the survey of work-life balance at the Ministries of the Czech Government

- There are certain standard measures applied in the area of work-life balance at the Ministries; these measures enable to easier combine work and out-of-work duties of the employees in this part of public administration; however, the survey confirmed existing differences among the individual Ministries, despite the fact the legislation regulating the area of civil service applies to all equally.
- The survey found discrepancies in the **position and responsibilities of the “gender focal points”** at the Ministries. Their position in terms of the organisational structure of their respective Ministries differs (assignment to a section, department, or unit) and they usually do not devote a sufficient part of their work capacity to the topic of gender equality, which also includes work-life balance. They usually also have responsibilities in other areas, often at the expense of gender equality.
- The Ministries often use only some of the **available forms of flexible work** and there were significant differences in the provision of certain other benefits.
- Only flexible scheduling of working time is available everywhere; in contrast, **shorter working time or work from other places are only available to a few percent** of civil servants, even though **many more are interested**. In an online survey conducted among the civil servants, 10 percent expressed interest in shorter working time and nearly 50 percent were interested in working from other places.
- The survey confirmed that the issue had to be approached cross-sectionally – **across generations and age groups**, as well as **in the context of various life situations**, as the need for combining work with private life as well as the practical possibilities for such a combination vary over the lives of individuals (due to changing needs, values, individual wishes and preferences as well as the actual living conditions and opportunities). Currently, most attention is devoted to parents with small children, especially mothers, although there is room also in this area for further improvement in work-life balance (see children playgrounds, care for children during school holidays, care for children under 3 years of age, etc.).
- It is clear that one of the prerequisites for an effective solution to work-life balance is an **actual awareness of the requirements, needs and satisfaction among the employees**, in this case the civil servants at the Ministries. Although an annual evaluation of progress in this area is conducted (the application of measures etc.), it is not entirely clear how the results are applied at each individual Ministry and, especially, what conclusions are drawn on their basis by the Government’s Council for Gender Equality and the Department for Gender Equality at the Office of the Government of the Czech Republic.

II) Methodology

The sociological survey on work-life balance in civil service and the work of the departmental gender focal points conducted as part of the “Tailored Service” project implemented by the Office of the Public Defender of Rights was carried out using a combination of quantitative and qualitative methods. The data were collected, analysed and interpreted by *ppm factum research s.r.o.* according to the instructions of the Office of the Public Defender of Rights.

The survey had the following four stages:

- Analysis of documents concerning gender equality and especially work-life balance of civil service employees at the relevant Ministries, i.e.: Ministry of Transport (MoT), Ministry of Finance (MoF), Ministry of Regional Development (MoRD), Ministry of Culture (MoC)⁴, Ministry of Defence (MoD), Ministry of Industry and Trade (MoIT), Ministry of Education, Youth and Sports (MEYS), Ministry of Justice (MoJ), Ministry of the Interior (MoI), Ministry of Agriculture (MoA)⁵, and Ministry of the Environment (MoE).
- Focus groups with departmental gender focal points focused on obtaining information on their roles and activities at the individual Ministries.
- Online questionnaire survey among civil service employees focused on their knowledge of and experience with various work-life balance measures. The questionnaire was available in electronic form, which enabled simple and fast completion and anonymous submission.
- Semi-structured interviews were conducted with the secretaries of state at the relevant Ministries, focusing on evaluation of the current situation in the area of work-life balance and its potential further development at the particular Ministries.

The first stage of the project – **document content analysis** – included an analysis of especially the following materials:

- service regulations such as the staff regulations
- code of ethics, mission and vision statements, manuals for gender equality, etc.
- organisational rules⁶
- priorities and procedures of the Ministries in promoting gender equality
- departmental strategy for gender equality and equal opportunities and similar documents
- evaluation of the measures following from the Governmental Strategy for Gender Equality 2014–2020 and the Updated Measures, Priorities and Procedures of the Government in Promoting Gender Equality
- minutes of the meetings of working groups for gender equality
- surveys, questionnaires and statistics concerning work-life balance
- list of financial and non-financial employee benefits (if provided), or directives describing the benefits
- collective agreement(s) and related regulations
- other documents concerning work-life balance such as agreements to perform telework, materials for the children’s groups etc.

4 The Ministry of Culture provided general information for the analysis, but no specific materials.

5 The Ministry of Agriculture did not provide any materials on gender equality.

6 No other internal regulations establishing the position of gender focal points were provided.

II) Methodology

The analysis looked into how the Ministries were dealing with the following areas:

- A. Gender equality: where and how it is defined, how it is being implemented institutionally.
- B. Work-life balance issues concerning flexible forms of work (performance of civil service): what forms of work are offered and used, what are the conditions for using them, etc.; identification of potential problems preventing their use.
- C. Issues concerning parents on maternal/parental leave: what measures are implemented by the relevant Ministry and what can be further improved.
- D. Providing benefits: scope of the benefits in relation to work-life balance.

The second stage of the project – **focus groups with gender focal points** – took place on 29, 30 and 31 May 2017. There were three focus groups with 11 persons (9 women and 2 men) from all of the involved Ministries. The focus groups were held in *ppm factum research* offices. Video recordings and literal transcripts were made of the focus groups.

The following topics were discussed:

- A. Creating activity plans and their evaluation, working group for gender equality and its activities.
- B. Training possibilities for gender focal points.
- C. Assessment of the utilisation of currently available measures or the barriers preventing their use.
- D. Identification of strong and weak points in the area of work-life balance in the given organisation, surveying the needs and satisfaction of the employees and examples of best practice.
- E. Possibilities for further development: other proposals concerning work-life balance.

The third stage, a **survey among the employees of the Ministries** (their central offices), took place from 3 July to 31 August 2017⁷ at nine Ministries: MoT, MoF, MoRD, MoC, MoD, MEYS, MoJ, MoI, MoA, and MoE; survey at MoRD and MoI was not conducted because the Ministries conducted their own surveys on the same topic.

The questionnaire inquired on the following topics:

- A. General issues concerning working conditions and work-life balance at the Ministry.
- B. Specific measures – information, use, interest, satisfaction.
- C. Opportunities for civil servants on maternal or parental leave.
- D. Assessment of problematic issues in the area of work-life balance, proposed solutions.

In parallel with the online survey among civil service employees, the fourth stage was conducted – **semi-structured interviews with the secretaries of state** (10 men and 1 woman). The interviews were conducted from 17 July to 3 August 2017 on the Ministries' premises, with participation of representatives of all 11 surveyed Ministries.⁸

7 The first part included surveys at MoA, MoC, MEYS, MoD, MoJ and MoE – enquiry at these offices was concluded on 24 July 2017. The survey continued at MoT, MoF, and MoI with a delay caused by the holiday period. The links to the questionnaire were distributed by contact persons – usually the gender focal points.

8 At two Ministries – MoI and MoE – the secretaries sent their deputies: the head of the HR development unit at the HR department and the head of the HR department, respectively. At the Ministry of Industry and Trade, the head of the HR department was present alongside the secretary of state.

The interviews focused on the following areas:

- A. Issues of work-life balance of employees in executive positions.
- B. Setting up plans and goals, activities of the working group for gender equality.
- C. Assessment of the utilisation of currently available work-life balance measures or the barriers preventing their use.
- D. Identification of strong and weak spots in work-life balance.
- E. Possibilities for further development in the area.

To illustrate the results of the sociological survey, some data from the Annual Report on Promoting Work-Life Balance in Civil Service in 2016⁹ provided by the Ministry of the Interior to the Office of the Public Defender of Rights were used.



9 Ministry of the Interior of the Czech Republic. Annual Report on Promoting Work-Life Balance in Civil Service in 2016 [online] Prague: 2017 [retrieved on: 2017-08-30] Available at: <http://www.mvcr.cz/sluzba/clanek/vyrocní-zpráva-ke-sladení-osobního-a-rodinného-zivota-s-vykonem-statní-sluzby-za-rok-2016.aspx>

III) Legislation

The Civil Service Act¹⁰ lays down the duty for the civil service to create conditions for reconciliation of work, private and family life¹¹ of civil servants. The Act lists the following examples of measures promoting work-life balance:¹²

- scheduling of working time, including the start and end of the daily working time and flexible scheduling of working time;
- approval of shorter working time;
- arranging the possibility to work from another place; and
- establishing pre-school facilities or ensuring care for children in a day-care.¹³

If proper performance of civil service office's tasks is not hindered, civil service employees are entitled to flexible working time or a shorter working time if they care for a child who has not yet finished lower primary school, or the civil servant in question is a single parent of a child under 15 years of age, or the civil servant in question cares, mostly alone and in the long term, for a dependent person (medium-high dependence, high dependence or complete dependence).¹⁴

If proper performance of civil service office's tasks is not hindered, a civil service body may conclude an agreement with a civil servant enabling him or her to perform service from another place (telework); the service conditions shall be stipulated by said agreement.¹⁵ Performing civil service from another place is conditional on adopting measures enabling to give service tasks, organise, manage and check the performance of civil service and issuing orders to perform civil service, usually via electronic communication networks; further, equipment necessary to perform service must be provided, or the employee's own equipment must be used to perform civil service.¹⁶ Performance of civil service from another place cannot¹⁷ be arranged in respect of administrative activities consisting mostly in personal contact with people, or activities requiring the use of things or information which cannot be accessed outside of the seat of the civil service office because of their nature or because this is not allowed under law.¹⁸

10 Act No. 234/2014 Coll., on the civil service, as amended

11 Section 116 (1) of the Civil Service Act

12 Conditions for implementation of the individual measures are further specified by Service Regulation of the Deputy Minister of the Interior for the Civil Service No. 12/2015, on the conditions promoting work-life balance and conditions for performance of civil service from another place.

13 pursuant to Act No 247/2014 Coll., on childcare services in a day-care and amending certain related laws, as amended

14 Section 116 (2) of the Civil Service Act

15 Section 117 of the Civil Service Act

16 pursuant to Section 1 of Government Regulation No. 144/2015 Coll., on performance of civil service from another place and rules for creating conditions for work-life balance in civil service

17 pursuant Section 2 of the Government Regulation on performance of civil service from another place

18 A detailed overview of laws and regulations, including associated regulations, is included in the work-life balance report of the Ministry of the Interior. See Ministry of the Interior of the Czech Republic. Annual Report on Promoting Work-Life Balance in Civil Service in 2016 [online] Prague: 2017, pp. 7-4 [retrieved on: 2017-08-30] Available at: <http://www.mvcr.cz/sluzba/clanek/vyrocní-zpráva-ke-sladení-osobního-a-rodinného-zivota-s-vykonom-statni-sluzby-za-rok-14.aspx>

Work-life balance and right to equal treatment

The Anti-Discrimination Act¹⁹ prohibits discrimination in the area of employment (including civil service). Additionally, it imposes a duty²⁰ on employers to ensure equal treatment, which means adopting measures necessary for an effective protection against discrimination; providing equal opportunities is also considered part of ensuring equal treatment.²¹

The employer's duty to ensure equal treatment is not specified in detail by the Anti-Discrimination Act, but could be directly enforceable if it was put in concrete terms.²² The specification of the employer's duty also includes the duty of civil service offices to create conditions for work-life balance. A special attention must be paid to cases where the civil servant needs to use a work-life balance measure in relation to one of the grounds of discrimination²³, e.g. sex (including pregnancy, maternity, paternity, gender identification), sexual orientation, age, disability or religion.

These grounds do not necessarily have to affect the civil servants themselves, but may also be associated with persons close enough to the civil servants in question that the disadvantages may affect them as well.²⁴ Typically, this situation concerns people who take care of children or other persons who are dependent on them on account of old age or disability.

For persons with carer duties or persons requesting work-life balance measures in relation to some of the grounds of discrimination, these measures are claimable if the claimants satisfy the condition of proper performance of their civil service office's tasks.²⁵ The civil service office might commit discrimination against the aforementioned persons if it refuses, without a legitimate justification, to adjust the working time, to agree on performance of work from another place or to adopt other suitable work-life balance measures for their benefit.

19 Act No. 198/2009 Coll., on equal treatment and legal remedies for protection against discrimination and on amendment to certain laws, as amended in Section 5 (3) of the Anti-Discrimination Act

20 Section 5 (2) of the Anti-Discrimination Act

22 The Public Defender of Rights addressed this issue in the report of 17 June 2015, File No. 211/2012/DIS, available at: <http://eso.ochrance.cz/Nalezene/Edit/2906>

23 specified in Section 2 (3) of the Anti-Discrimination Act

24 so-called "discrimination by association" based on Judgement of the Court of Justice of the European Union of ¹⁷ July 2008, S. Coleman v Attridge Law and Steve Law, C-303/06, ECR I-05603.

25 above the scope of Section 116 (2) of the Civil Service Act.



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Public Defender of Rights

Public Defender of Rights

Údolní 39, 602 00 Brno

information telephone: **+420 542 542 888**

e-mail: podatelna@ochrance.cz

www.ochrance.cz

www.facebook.com/verejny.ochrance.prav

www.twitter.com/ochranceprav

Authors:

Anna Šabatová, Stanislav Hampl, Hana Maříková, Marína Urbániková, Jana Kvasnicová

The data collection, their analysis and interpretation carried out for the Office of the Public Defender of Rights:

ppm factum research s.r.o.

Bucharova 1281/2, 158 00 Praha 13

IČ: 47121793

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