



Report on cases in which remedy was not achieved even using the procedure under Section 20 of the Public Defender of Rights Act

In accordance with Section 24 (1)(b) of Act No. 349/1999 Coll., on the Public Defender of Rights, as amended, I provide information to the Chamber of Deputies of the Parliament of the Czech Republic on cases where adequate remedial measures were not achieved even by means of notifying the superior authority or the Government, or by informing the public of the findings obtained in inquiries under Section 20 of the Public Defender of Rights Act.

A. Contributions towards active employment policy

(File No. 4778/2018/VOP and File No. 6302/2018/VOP) ¹

Within a period of only 2 months, my predecessor received several complaints in which the complainants asked for assistance in obtaining a contribution towards active employment policy. The complaints concerned brand new types of contributions supporting regional mobility, which had been denied by the same labour office because the applicants had not fulfilled set conditions.

In the first case, the complainant applied for a commuter allowance. She had long been in the records of the labour office and had completed several re-training programmes and gained the professional qualification of “Guard”. Finally, she had found a job in the field of her requalification, which, however, required her to commute to a different city. The complainant and her new employer had concluded an employment contract for a fixed term exceeding 6 months. One of the conditions for awarding the commuter allowance was that the duration of the employment relationship would be at least 6 months. The labour office did not satisfy the application claiming that the complainant had not met the condition of minimum employment duration. It did not inform her of any other facts that it had considered in assessing her application, although it referred to these facts later.

After the inquiry, the labour office refused to reconsider its conclusions and the Ministry of Labour and Social Affairs (hereinafter the “Ministry”) supported the reasoning of the labour office that the contributions towards active employment policy promote securing stable and long-term employments, where this goal was not reached in the case of this complainant.

Both the labour office and the Ministry adopted a similarly unaccommodating approach in the **second case**, in which they denied another complainant’s application for a contribution towards relocation (note: provision of this type of contribution was discontinued as of 1 September 2019). The contribution was denied on grounds of the applicant’s failure to prove a causal link between the relocation and the creation of the employment relationship; according to the interpretation adopted by the authorities, the applicant had to conclude an employment contract and start the new employment first and only then change his/her place of residence. However, the applicant changed her place of residence one day before commencement of the new employment. The authorities completely disregarded the fact

¹ Report on inquiry, final statement, notice to the superior authority, press release.



that, in real life, people usually secure new housing in advance so that they can move to the place of their new employment not later than on the day when they start the job. The complainant changed her place of residence because she was to start working for a new employer in a different region, and so the condition of existence of a causal link between relocation and the new employment was met. In this case too, the authorities refused to reconsider their conclusions after the inquiry by the former Public Defender.

Since both the labour office and the Ministry refused to change their conclusions regarding the fulfilment of the conditions for granting the commuter allowance and the contribution towards relocation in the two above-cited cases, the newly appointed Deputy Public Defender of Rights, Mgr. Monika Šimůnková, decided to inform the public about the conduct of the authorities under the Public Defender of Rights Act. In the press release published on 4 June 2020², she also appealed to the labour offices to keep in mind the principles of good governance in their everyday activities even in these difficult times of the coronavirus pandemic.

Since remedy was not achieved even through this sanction, the information has been submitted to the Chamber of Deputies of the Czech Parliament.

Brno, 27 July 2020

JUDr. Stanislav Křeček, signed
Public Defender of Rights
(this report bears an electronic signature)

² See <https://www.ochrance.cz/aktualne/tiskove-zpravy-2020/stat-sice-nabizi-prispevek-na-dojizdku-ale-zadosti-formalisticky-odmita/>