

What next for OSH in the Czech Republic ?

Safety and health protection at work, work organization and humanisation have a comparatively long history in the Czech Republic. Their roots can be traced as far back as to the Austro-Hungarian Empire, of which the Czech Crown Lands were the most developed part, and especially under the Czechoslovak Republic.

These historical roots dating back to the 19th century may also make it easier for the Czech Republic to preserve the occupational accident and disease rates it achieved close to those of the EU member states despite the big political and economic changes of the Nineties. The Czech Republic's occupational accident frequency rate falls about mid-way between those of the industrially more- and less-developed EU member States.

The state of play in the Czech Republic

The post-1989 political and economic changes that occurred in the Czech Republic significantly affected developments in the labour field, not least safety and health protection at work. Increasing globalisation, labour market diversification and the spread of new technologies hampered efforts to achieve collective organization and representation. Technologies are geared towards smaller production units, accelerate the trend towards outsourcing and often require a re-evaluation of the employee / subcontractor distinction. Agency work is also on the rise, characterised by hiring self-employed staff to perform key business activities. It is very hard to enforce compliance with OSH requirements in such circumstances.

Fragmentation of the organization of production and continuous changes in work organization are other obstacles to organizing workers in the new economy. The need to protect workers has clearly not gone away, and may even be more acute in light of the worrying changes under way. Trade unions need to overhaul their attitudes and strategies to deliver an active response to changes in the market, labour and the law on labour relations.

In the Czech Republic and worldwide, spreading globalization is not a spur to the creation of giant multinationals, but also to the creation of small and medium-sized enterprises (SMEs). In 1989, there were approximately 7,000 economic units operating in the Czech Republic. The changes caused that number to spiral, and there are now more than 700,000 private undertakings, including sole traders, carrying on business. Success in the market depends on the ability to respond flexibly to changes in economic conditions. Whence the "chunking-down" of many big companies and the creation of smaller, more flexible units. SMEs become significant partners of big companies but are also increasingly dependent on them. The issue of SMEs in the Czech Republic is looked at in a separate section.

Occupational accidents

In 2002, there were 4,466,699 employees in the Czech Republic, and 90,867 reported cases of occupational injury resulting in incapacity for work. Reported occupational injuries resulted in 3,788,076 days' work absence. Compared to 2001, there were 2,413 fewer cases of occupational injury, i.e., a 2.59% decrease.

In all, 88,523 occupational injury cases led to more than 3 days' incapacity for work. Nearly 25% and 0.2% of the reported occupational injuries were caused to women and young people, respectively.

Most occupational injuries consistently occur in manufacturing industry, which employs nearly 24% of the workforce. Agriculture and forestry, and the building industry, both trail significantly far behind. Both industry employ approximately equal shares of the labour force (3.4% and 3.6%, respectively). The highest rate of injuries is connected with materials handling and transport. Most occupational injuries involved materials, loads and objects (37.0% of work injuries).

In 2002, a total of 206 work-related fatalities were recorded in the Czech Republic, 9 of them involving women. This total is 25, or under 11%, fewer fatal accident cases than in 2001. More than 74% of work-related fatalities occurred in companies in the following sectors of industry : manufacturing industry, construction, transport, storage and communications, agriculture, hunting, game-keeping and forestry.

Unfortunately, the average length of occupational accident-related absence from work rose from 40.61 days in 2001 to 41.69 days in 2002. This is an alarming increase from 1990, when the indicator stood at

Milos Palecek

Occupational Safety Research
Institute, Prague, Czech Republic



21.9 days, and represents nearly 87% growth. On average, 10,378 employees are off work each day as a result of work accident incapacity. The steady rise in the indicator of average work accident incapacity is clear.

Occupational diseases

In 2002, a total 1,600 cases of work-related diseases were reported in the Czech Republic, of which 1,531 were occupational diseases and 69 exposures to occupational diseases. There is a long-run decline in the number of occupational diseases, and the total for 2002 was down by 96 cases or 5.9% on 2001. The incidence of occupational diseases has fallen by 1.7 cases per 100,000 employees.

Most diseases in 2002 were caused by the adverse effects of physical factors (35.5%), followed by skin diseases (22.6%) and diseases of the airways, lungs, pleura and peritoneum (19.9%). In 2002, no occupational disease was reported in the group of diseases caused by other factors and agents. The sharpest fall compared to 2001 was among skin diseases (by 54 cases, i.e., 13.5%).

Working conditions

Any comparison of the level of particular factors of working conditions must bear in mind that this is a subjective assessment given by respondents in work and working conditions satisfaction surveys. In the new accession countries, including the Czech Republic, that assessment may be affected by a phenomenon hitherto unknown in society – the threat of unemployment. The conscious or subconscious fear of social insecurities, including job insecurity, may overrule demands for improved working conditions. The findings of the analysis performed by the Occupational Safety Research Institute reveal that the fundamental shift in attitudes to issues involving perceptions of job security in the Czech Republic occurred about 1997 / 1998.

The “Our Society 2002” survey shows that workers are most dissatisfied with job and wage prospects, job security and how companies take care of their employees. Dissatisfaction rates reached or substantially exceeded not just 35% but even 50%. The findings also suggest that the ongoing transition to the market economy and market environment causes employees to express their dissatisfaction more in terms of life-situation factors like pay, job security, future prospects. Looked at from this angle, they may tend to cast a less exacting judgement on other working conditions.

Work hazard level

The Czech Republic set up the “Central Register on the Health Risks of Working Conditions and their Impacts” to monitor workforce exposure to particular work hazards. It includes the current numbers of men and women workers in separate job categories and workplace hazard levels. The Register indicates that most workers are exposed to noise damage.

It is estimated that up to 10% of tumoral lesions have their origins in working conditions ; over 11% of the working population are exposed to stressors at work, and two thirds of them suffer from a range of health problems.

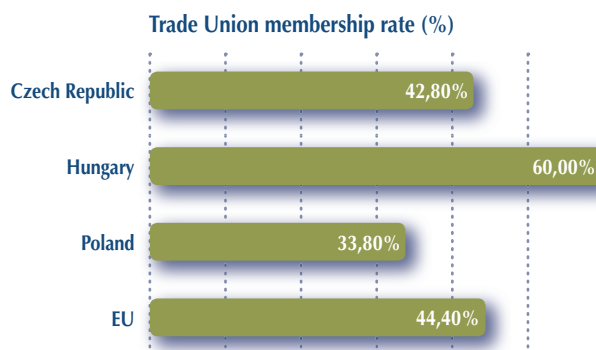
Approximately 25% of the labour force work shifts, and suffer from provable health problems like gastrointestinal disorders, sleep disorders and heart and vascular diseases. This situation can only be changed through legal measures and developing the broadest possible health support programmes, which in practice have been shown to deliver benefits in terms of improvements to workers’ health, the labour relations climate and work productivity.

There is clearly less labour flexibility in terms of fixed-term and part-time contracts in the Czech Republic and other new accession countries. There are also differences in working hours. The work week in the Czech Republic is 40 hours compared to the EU average of 38.2 hours a week. Shift and night work, Sunday and holiday working are more common in the Czech Republic.

This situation is clearly due to the fact that, as things stand, workers in full-time permanent jobs enjoy better legal protection than those with fixed-term contracts. A comparison of social protection levels in the Czech Republic and the EU average shows that while a worker in a standard employment relationship is probably better-off in the Czech Republic, there are significant differences as regards workers on fixed-term contracts.

Employees in big companies have better protection – e.g. against compulsory redundancies - because of the higher trade union membership rate and resulting greater bargaining power. Trade union membership in SMEs (typically, the service and building industries) is lower, which reflects in lesser union bargaining power. Undesirable “forced” flexibility is also common in SMEs (dishonest practices, abuse of non-standard employment contracts, work systems, succession of fixed-term contracts, illegal work, off-the-books work with no basic social and legal protection, etc.).

Generally, trade union membership is falling (averaging around 40% in the Czech Republic) ; trade unions have not yet found a proper role and way of working. The graph shows trade union membership in the selected countries compared to the EU average.



Strengths and weaknesses of the Czech OSH system

Strengths of the Czech OSH system

The positive aspects of the Czech statutory OSH systems were the detailed regulations and standards, which have in the past contributed enormously to work safety, safety of technical equipment and working conditions. Much has been done to bring the Czech OSH regulations into line with EU legislation as part of the preparations for the Czech Republic's accession to the EU. The Government Council for Health and the Environment was set up in 2000 under Government Resolution No. 706 to implement obligations adopted at the 3rd Ministerial Conference on the Environment and Health held in London in June 1999, although its members are not experts in work and technical equipment safety, working conditions and environment.

On the positive side, there is an effective system for planning and managing occupational safety inspections. The Czech Occupational Safety Office and its inspectorates have an operating information system that circulates through the system information on issues arising during inspections. This is used to design the methodology of planned controls, and in other activities, especially education and awareness campaigns.

Some Czech employers are highly OSH-conscious, as is evidenced by such things as the growing participation in voluntary programmes like "Safe Enterprise" or "Safely Together" (focused on improvement of working conditions in the building industry). As yet, only 45 mostly big and medium-sized companies are involved in this programme, but this nevertheless benefits 50,000 employees.

Weaknesses of Czech OSH system

Forty years of the old regime had such a deeply adverse impact on people's minds and attitudes that it will not be possible to overcome them within the space of a generation.

More specifically, this involves :

- Persistent flouting of legal requirements including safety duties, attempts to circumvent them and a generally low level of law enforcement and implementation.
- A continuing high degree of reliance on the state and its institutions, combined with low personal initiative and drive. It is also reflected in neglect of one's own health, abuse of social support and higher unemployment.
- An enduring high degree of intolerance by most people, particularly rural and small urban communities, to ethnic cultural and other differences, leading to xenophobia in some areas. This is set to worsen under the effects of spreading globalisation and the opening-up of the labour market. Such attitudes are more prominent in SMEs.

These features of current Czech society are also reflected in OSH and are, to a substantial degree, reinforced by :

- The economic and social situation in the Czech Republic. In high unemployment areas, this is extensively abused by employers, especially smaller business owners, to pressure employees into condoning breaches of regulations and the flouting of safety and health protection at work obligations and requirements, especially relating to working conditions, overtime, work systems, abuse of fixed-term contracts. Astoundingly, these trends are also found in multinational chain stores owned by big-name foreign companies.
- Loopholes in legal regulations allow companies to outsource responsibility for key business activities to individual independent contractors, e.g. a building firm becomes an agency and transfers its responsibility for OSH to individually hired independent contractors.
- A continuing lack of education in OSH, producing a persistent shortage of high-level skills in labour inspection and business.

The facts and findings of many studies confirm that company managements, entrepreneurs and business owners in the Czech Republic continue to undervalue and treat OSH as marginal. It is neither adequately promoted nor enforced by the state authorities. Much of this is due to the high cost of campaigns and educational activities, and the very reduced state budget allocated to them. Unlike in the EU member states, these activities cannot be funded by the industrial accident insurance companies because it is not part of the accident insurance system's remit. It is also proving very difficult to get business directly involved as managements have still to grasp that a proactive approach to safety and health protection at work reflects on the company's image.

Generally, the failings fall into the following areas : *Law.* Here, there is a basic lack of legal regulations to make comprehensive provision for the safety of work systems and the work environment, especially for preventing health damage caused by work activity, including the provision of services. Comprehensive legal regulations should both join up the existing piecemeal OSH regulations and respect the irreplaceable role of the Labour Code by being made part of it, while at the same time addressing fundamental issues around the content of labour law relations.

The Czech OSH system also fails to allocate responsibilities properly (under the Competencies Act) to ensure proper compatibility of law and institutions after the Czech Republic joins the EU. A lack of legal support and properly-defined conditions means that both the occupational health services and other professional OSH services are under-developed. Closely linked to this is the issue of creating an efficient quality assurance system for service delivery, including control mechanisms.

Economics. The Czech OSH system is characterised by low levels of safety, health and working environment protection in which short-term economic and business goals take priority over care for employees, or the working and living environment. Some economic instruments used - e.g., hazardous or dirty work bonuses - are at odds with OSH requirements and counter-productive. Low pay differentials are also a contributory factor.

Employees are prepared to put up with even unsafe working conditions to get or to keep a job; the criminal law is not used to the full extent of its possibilities, and the "one workplace, one inspector" principle followed in the EU is not applied.

Lack of funding or impetus to the accident insurance system or other means of increasing employer involvement in and support for workplace prevention (e.g. tax breaks, penalties, etc.) is another failing.

Education and advice. OSH promotion and education are under-valued and under-funded. Ministry of Labour and Social Affairs and Ministry of Health agencies, as well as the labour inspectorate provide free OSH advisory services, but the end results are unsatisfactory. It has not raised awareness among employers, employees, the self-employed and others of their legal rights and duties as regards health and safety.

This is because health and safety barely features on school curricula, including in vocational streams, although practice and research in many countries has shown that secondary school education shapes future attitudes to OSH. Unlike in EU member countries, the post of safety officer is not highly-rated in companies.

This parlous situation is also due to workers not being properly acquainted with or informed about regulations governing their work, a lack of proper training provision, too big a focus on law rather than basic hazards, too little policing of employers and compliance with rules when working in the workplace, insufficient provision of counselling and advisory services including occupational health services.

Policing and enforcement of obligations. There is virtually no coordination of the activities of individual agencies responsible for the labour inspectorate's policing and enforcement of OSH rules and obligations in the Czech Republic. Responsibilities are divided between various executive agencies. There is almost no consultation on approaches to inspection, or central planning and management of inspections; coordination and communication are very poor, which does not provide a sound basis for the kind of integrated inspection services that are recommended in ILO Convention Labour Inspection Convention C81 and are found in all EU

member countries. Fragmentation of approaches and interests of individual inspection agencies works against effective controls and labour market participants' engagement with the issues. Public health protection agencies mostly focus on monitoring workplace health hazards, and classifying and categorising hazardous jobs, while inspectors focus on making health and safety improvement recommendations to employers and enforcing the relevant regulations.

The prospects for improvement

The development of workplace health and safety since 1989 has resulted in the national OSH policy brought in by the Czech government in May 2003. It kick-started reforms to the OSH system designed to bring workplace safety and health up to the same levels as the most far-advanced European countries. The national OSH policy is intended to be updated on an ongoing basis, and is implemented through the National Action Plan.

The national policy for occupational safety

The main aim of the national OSH policy is to create a comprehensive working system to address OSH issues including work environment comfort and a new labour inspection set-up which creates the conditions for ensuring workers' and employers' constitutional rights, supports responsibility-sharing for one's own health and that of others which might be harmed by work activity or service provision, limits the scope for "social dumping", strengthens elements of work culture, and helps promote the return of people with a disability into the labour market. The model will also include risk analysis, assessment and prevention through essential sharing of databases compiled through the consistent detection and logging of all work-related health damage. The system requires active cooperation from all labour market participants, unions and employers at all levels (national, regional, local, workplace), and will involve educating and motivating workers to play an active part in improving health and safety at work. It will create the conditions for the development and implementation of good practices.

The national OSH policy has set the following aims based on an analysis of the state of OSH in the Czech Republic:

■ Law

Aim: To simplify and bring greater certainty to the law, to increase awareness of regulations.

Framing rules to enable consistent policing, implementation and enforcement of technical regulations on equipment safety and use of equipment as a part of an integrated approach to labour inspection.

Facilitating the development of good quality, external professional occupational safety and health services, implementing the system of notifications,

authorisations and personal certifications for the provision of OSH services.

■ Financial support

Aim : To make the system of natural economic incentives work.

Providing efficient and effective economic means for creating health and safety awareness among employers, employees, other work performers or service providers, especially through tax incentives and accident insurance, by reference to health and safety levels in individual companies.

Helping to promote the return of people with a disability into the labour market.

■ Promotion, development, advice, research and education

Aim : To strengthen the development of know-how in hazard prevention and training for private business.

Developing an efficient OSH educational system from primary to higher education, including the lifelong learning system, and quality expertise for services, private business and state administration.

Developing an information system in all OSH matters accessible to all labour market participants, that enables an efficient use of OSH information and environmental improvement, with a special focus on distinct target groups.

Waging campaigns for the prevention of work-related accidents and diseases, improved working conditions and enforcement of the system approach to OSH, support through advisory, information, publication and documentation services and a new approach to OSH, building awareness about potential hazards and enforcing the conditions that create environmentally comfortable workplaces for employees.

■ Implementation and enforcement of regulations

Aim : To ensure coordinated and consistent control of the application and observance of regulations.

Ensuring coordinated preparation and consistent performance of controls, implementation and enforcement of compliance with regulations for the protection of life, health, property and the environment. Performance control and monitoring will be an integral part of all OSH and environmental targets and tasks. Re-evaluation and consistent application of policing and penalties at all levels of management and control.

Strengthening and rationalising the activities of the State Occupational Safety Supervisory Agency (Labour Inspectorate) through highly qualified experts, integration of approaches and simplification of processes in all areas related to the protection of workers at work. Cost-benefit assessment of the OSH inspectorate's performance by other (departmental) bodies.

■ OSH management at national level

Aim : To address fragmentation between departments by having a single state agency to coordinate activities.

Implementing basic OSH monitoring standards. Set-

ting up and enforcing a set of status and development assessment criteria in individual spheres of safety and health at work.

Implementing a coordinated and integrated system for the collection, maintenance and assessment of data and information on the status and development of OSH, the existence and causes of OSH hazards and undesirable occurrences, the status and development of legislation, outcomes of policing activities, impact of economic instruments and the situation and developments in other spheres of OSH.

The national occupational safety policy also provides for increased international cooperation and active participation by state agency representatives and experts in international institutions and programmes.

The national action programme

The National Action Programme (NAP) is based on the national OSH policy. It comprises the measures intended to support continuing improvements in work safety and health at the individual, industry and other levels through :

- more efficient coordination of activities ;
- more consistent use of existing resources like law and regulations, bodies and institutions, the expertise of research centres, institutes and staff, and limiting duplication and overlap between activities, and any resulting conflict of interests ;
- increased private and public sector focus on work hazard prevention and contributing to preventive measures designed to cut occupational accidents and diseases ;
- cooperation and partnership between individual entities involved in OSH at the company, local, regional and national levels ;
- designing, setting rules for and adopting a company hazard prevention performance assessment system. Implementation and ongoing efficiency control of measures to ensure sustainable development ;
- further harmonisation of Czech OSH regulations related to new EC and amended EC directives, and active enforcement of key EU documents like the *New Community Strategy on Health and Safety at Work, 2002 – 2006*.

The degrees of responsibility for individual areas within these spheres are divided between the state and employers on the basis of material capacity. The criteria for the period 2004 – 2006, therefore, are social importance, real probability of occurrence of the particular problem, and the financial capacities of the state and employers to address the priorities :

1. **Improved safety protection and quality in work**, based on social and economic changes in post-1989 Czech society and the need to address issues related to existing and new work hazards. This particularly concerns psychosomatic risks (e.g. stress, depression, violence, alcohol and drug abuse, and non-standard work patterns

– part-time working, non-standard hours, etc.) which cause work-related health damage and reduce work comfort in physical, psychological and also social terms. Added to this are hazards stemming from work population changes as other population groups enter the employment process (rising share of female and older worker employment) which may adversely affect safety and health at work.

2. Enforcing a culture of work hazard prevention, especially in SMEs in a variety of ways, including educating employers, employees and the wider public in safe methods of working and individual health protection. This involves running campaigns, including through media coverage, and the promotion of good practice and safety-mindedness, health-protective behaviour and conduct. Cooperation with EU experts delivered greater effectiveness in achieving project objectives.

3. Setting up an education and information system on OSH to provide business with up-to-date information on prevention, the causes and occurrence of work-related health damage, its impacts on the economy, competition, the corporate image and other related issues in a clear and accessible form. Improving the availability and quality of information, especially for SMEs (using the Internet as an information channel, setting up a call centre and regional contact points to provide information on safety and health issues, etc.). On education, setting up an integrated system for lifelong learning in safety and health at work by having the principles of safe, healthy work and hazard prevention taught as part of general education, integrated education and training (training programmes including the use of animation and simulation techniques for practical preparation) for OSH experts, production of supporting materials and forms of preparation and education in OSH (distance learning, e-learning, etc.).

The above areas allow considerable scope for implementation of research projects, cooperation and transfer of experiences between the Czech Republic, EU member and candidate states. The Phare projects have already opened up wide-ranging possibilities for the exchange of experiences and transfer of know-how. A long series of practical training sessions, workshops, information meetings, study tours and exchanges of experts were organised.

It is clear that SMEs are and will long remain one of the biggest problems in terms of providing a safe and healthy work environment. Arguably, initiatives under the “European Charter for Small Businesses” programme to create economic, administrative, legal, and other conditions conducive to the development of SMEs offer one way to address this issue, through the EC’s annual comparisons and informa-

tion supplied on the best measures and projects (based on national reports on implementation of the Charter). Safety and health at work should be incorporated into the Charter programme because the standard and level of OSH in SMEs is a serious issue in the EU, accession and candidate countries.

As well as augmenting the statutory system of safety and health at work, we see a need to :

1. Develop the network of OSH information and advisory services for SMEs. Small entrepreneurs mostly lack the background and experience needed to search out and process important safety and health information. The issue is to map entrepreneurs’ needs in this area, identify the best ways and means, and most user-friendly forms of transferring information and experiences (call centres, internet, self-service boxes, written information packages, personal contact and basic counselling, etc.). The knowledge and experience of other countries in these issues should be used to maximise the impact on SMEs. There are at present many different entities working at different levels in the Czech Republic to provide forms of support to SMEs, but not enough has yet been done to properly address the OSH issue.

2. Establish and implement the systematic teaching of OSH across all general education and in vocational schools. Attitudes and approaches to OSH are formed at young ages. Experts need to be prepared to ensure further development of this area. The current lack of experts is already adversely affecting the performance of OSH policing and inspection bodies.

3. Establish and implement an operational monitoring system for developing indicators on the level of safety and health in companies, economic sectors and at national level, as well as performance indicators for approaches, methods, measures, etc., which are the prerequisite for efficient and successful OSH management at both national and company level. ■