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# Czechia

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# Introduction

This collection of country reports is part of the research on Digital Skills, Accommodation and Technological Assistance for Employment, conducted by the European Disability Forum (EDF) with the support of Google.org.

The aim of the study is to explore the situation of persons with disabilities in the open labour market, focusing in particular on the potential of digital skills training and the use of accessible and assistive technologies to foster inclusion in the workplace.

National experts from each EU Member State (with the exception of Luxembourg) and the UK analysed their respective national contexts. They outline policies and programmes to support reasonable accommodation as a Human Resources (HR) procedure, map trends in the use of accessible and assistive technologies in the workplace, and explain the main limitations experienced by employees with disabilities in acquiring accessible or assistive technology that meets their needs. They also analysed the barriers faced by persons with disabilities related to digital skills and highlight some good practices at national level.

The national reports cover the following countries: the UK, Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden. Luxembourg is the only EU Member State that is not part of the study due to not finding a suitable national expert on the topic.

# Glossary

**Assistive devices:** external devices that are designed, made, or adapted to assist a person to perform a particular task. Many people with disabilities depend on assistive devices to enable them to carry out daily activities and participate actively and productively in community or professional life.

**Assistive technology:** any item, piece of equipment, service or product system including software that is used to increase, maintain, substitute or improve functional capabilities of persons with disabilities or for, alleviation and compensation of impairments, activity limitations or participation restrictions.

**Disability allowance:** payments that persons with disabilities can receive from the State to cover basic living costs and services.

**Discrimination:** any distinction, exclusion or restriction on the basis of one or several grounds (sex, race, disability, sexual orientation, gender identity, etc.) that damages or nullifies the recognition, enjoyment or exercise of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field, on an equal basis with others.

**European Union (EU):** a unique economic and political union between 27 European countries, as it stands at the time of publication of this report.

**EU Statistics on Income and Living Conditions (EU-SILC):** a regular cross-sectional and longitudinal sample survey by Eurostat that provides data on income, poverty, social exclusion and living conditions in the European Union.

**General Comment:** a General Comment is a treaty body's interpretation of human rights treaty provisions, thematic issues or its methods of work. General Comments often seek to clarify the reporting duties of State Parties with respect to certain treaty provisions and suggest approaches to implementing those provisions.

**Member State(s) (of the EU):** the EU currently consists of 27 countries, also called "Member States". Each Member State is party to the founding treaties of the European Union and is therefore subject to the privileges and obligations of membership. Unlike members of most international organisations, the Member States of the EU are subject to binding laws in exchange for their representation within the common legislative and judicial institutions.

## 4 The European Disability Forum

**Number of observations (n):** indicates the number of employers each national expert managed to interview.

**Open labour market:** this refers to work in a mainstream or “regular” employment setting, as opposed to a setting that has been created specifically to employ a specific group of employees, such as persons with disabilities.

**Organisations of Persons with Disabilities (OPD):** represent the interests of their members with disabilities and have the mandate to advocate for the realisation of their human rights and lobby for the consideration of their interests.

**Percentage points:** this term expresses the arithmetic difference of two percentages, whereas percent (%) refers to the rate of change. For example, if Country A has an employment rate of 30% and Country B has an employment rate of 60%, Country B’s employment rate is 30 percentage points higher than Country A’s but is also higher by 100%.

**Persons with disabilities:** individuals who have long-term physical, mental, intellectual or sensory impairments which, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others.

**Reasonable accommodation:** the necessary and appropriate modification and adjustments, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms. To be “reasonable”, the accommodation cannot impose a disproportionate or undue burden. Denial of reasonable accommodation is a form of discrimination.

**The Digital Economy and Society Index (DESI):** an index that the European Commission reports between 2014-2022, monitoring Europe’s overall digital performance and tracks the progress of EU countries in their digital competitiveness.

**United Nations Convention on the Rights of Persons with Disabilities (CRPD):** an international human rights treaty that reaffirms that all persons with disabilities must enjoy all human rights and fundamental freedoms. The CRPD clarifies that all persons with disabilities have the right to participate in the civil, political, economic, social and cultural life of the community in the same way as anyone else.

## National Overview

In the Czechia, the employment rates of persons with and without disabilities are close to the EU averages for both women and men. However, the disability employment gap widens to nearly 30 percentage points among older workers<sup>1</sup>.

Funding allocated to active employment policies and measures, including those relevant to reasonable accommodation, has increased over the last decade. However, the participation of persons with disabilities in the open labour market remains unsatisfactory. The efficiency of support provided by the Labour Office remains incomplete.

Digital skills appear to be on the agenda in the Czechia. The overarching national strategy for digital transformation is called 'Digital Czechia'<sup>2</sup>. The strategy has three pillars aimed at ensuring consistency and continuity with already adopted documents at both EU and national levels. The degree of disability inclusiveness in the specific strategies on digital transformation appears generally low. Similarly, the National Plan for the Promotion of Equal Opportunities for Persons with Disabilities 2021–2025 addresses the potential and the challenges of digitalisation and digital transformation only partially and indirectly<sup>3</sup>. The Disability Strategy refers to assistive technologies and medical devices as having an enormous potential to contribute to social inclusion of people with disabilities, to gaining and retaining employment, to access to quality education and to independent living.

In Czechia, the duty to provide reasonable accommodation is stipulated by the Anti-Discrimination Act 198/2009<sup>4</sup>. The legislation goes beyond Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation. The Anti-Discrimination Act declares that failure to deliver reasonable accommodation for a person with a disability is a form of indirect discrimination. In addition, the Anti-Discrimination Act sets out the foundation for evaluating what might be regarded as a 'disproportionate burden' in the context of the duty to provide 'reasonable accommodation'. The provision of reasonable accommodation is supported by programmes and financial incentives administered by the Labour Office. However, awareness of these programmes among companies and organisations appears limited.

Strategies relevant to the engagement of persons with disabilities in employment fall short in providing research-based evidence about the implementation, facilitators and barriers related to reasonable accommodation

# Digital Skills

'Digital Czechia' is the national strategy for digital transformation<sup>5</sup>. The three pillars/sub-strategies include only acknowledgement of the diverse needs of users. Disability inclusion and the impact on persons with disabilities are not specifically mentioned in any of the documents<sup>6</sup>. Similarly, the Disability Strategy addresses the potential and the challenges of digitalisation and digital transformation only partially and indirectly. The Disability Strategy addresses assistive/digital technologies only in regard to the participation of persons with disabilities in meetings. Despite limitations in addressing digital inclusion, people with disabilities can access training to gain or improve their digital skill and knowledge. For instance, the labour offices have started to provide online training opportunities for the public to gain or improve soft skills, knowledge, and understanding of using digital technologies<sup>7</sup>.

While younger persons with disabilities appear to be relatively well equipped with digital skills, there is a need to put more emphasis on supporting older people with disabilities to acquire these skills. Interviewed representatives of OPDs pronounced their dynamic and long-term engagement in enhancing digital skills of persons with disabilities through providing training courses. These programmes are often supported by the European Social Fund. Interviewed OPDs representatives asserted that they are adequately equipped to address the specific needs of people with disabilities, and to customise training courses to enhance the digital skills of their target groups. OPDs take the lead in promoting digital skills due to prevailing societal prejudices and deficiencies in interdisciplinary collaboration at the level of the Government. Interviewees articulated the intention of their OPDs to continue building and enhancing cooperation with companies and universities working in the development of assistive technologies for persons with disabilities, to better respond to the needs and digital skills of users with disabilities.

## Assistive Technologies

Support for the provision of assistive technologies for persons with disabilities (allowance for special aid) is for the most part regulated by the Ministry of Labour and Social Affairs (MoLSA). It takes the form of a so-called benefit for persons with severe disabilities to purchase aids and/or assistive devices that support their engagement in employment, education and training, or for social participation in general<sup>8</sup>. However, anecdotal evidence suggests that this allowance is primarily used for purchasing a guide dog, special car adjustments or apartment adaptations.

There is an absence of evidence demonstrating whether and how the disability perspective is being considered in terms of funding new assistive technologies that are required to be disability accessible or providing funding for the purchase of products/services (including assistive ones) or skills training for persons with disabilities and digital professionals on disability and accessibility matters. However, Act 99/2019 on the accessibility of websites and mobile applications is expected to guarantee, to at least some extent, that new technologies and products developed are disability accessible.

The EDF survey demonstrates incomplete awareness among companies/organisations about the assistive technologies utilised by employees with disabilities. Only 8% of respondents (n=2) of the total number of respondents (n=24) indicated having some knowledge about assistive technologies relevant to supporting the engagement of persons with disabilities in employment. The respondents associated assistive technologies with visual impairment. Technological limitations of assistive technologies were not addressed by the respondents. However, one respondent revealed that lengthy procurement procedures stipulated by national administrative regulations are a barrier to the wider use of assistive technologies for employees with disabilities.

Only one participant representing a company/organisation involved in the EDF survey reported having a policy for implementing support for the acquisition and use of assistive devices and technologies by employees with disabilities. Similarly, awareness of the respondents about the public legal framework and/or public programmes either directly or indirectly supporting the acquisition of assistive technologies for persons with disabilities is largely incomplete. Only 8% of respondents (n=2) were positive about their familiarity with public programmes targeted at supporting the procurement of assistive technologies.

## **8** The European Disability Forum

The interviews with representatives of organisations of persons with disabilities (OPDs) highlighted the key role of technological companies and university technological centres in the advancement of assistive technologies for persons with disabilities and for persons with hearing impairment in particular. However, older people, in particular, face challenges in operating these technologies effectively. It was reported that OPDs and NGOs play an important role in instructing users with disabilities on how to operate these technologies to improve their quality of life.

People with intellectual disabilities often face challenges in learning how to use assistive technologies due to the complexity of the instruction manuals. While Austria has embraced software for converting such instruction manuals into easy-to-read formats, this trend is not mirrored in the Czechia. It is crucial to prioritise and explore the area of digital skills also due to the potential of utilising social robots in work settings. Universities could play a vital role in advancing, improving and integrating assistive technologies for people with intellectual disabilities in the workplace. The interviewees also suggested that the issue of assistive technologies for persons with disabilities should be incorporated into policies accompanied by plans for monitoring their implementation.

Municipalities and regional authorities should adopt an active role in championing and facilitating the development of assistive technologies for persons with disabilities, ensuring broader accessibility and support in employment and social inclusion in general.

## Reasonable Accommodation

In Czechia, the duty to provide reasonable accommodation is stipulated by the Anti-Discrimination Act 198/2009. The legislation is an implementation of Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation.

Support provided by the state to employers for making reasonable accommodation includes financial incentives to cover part of the costs. The contribution for the establishment of a work position for a person with a disability is provided as a grant for the estimated expenditures that the employer will devote to establishing such a workplace. These costs include expenditures relating to the adaptation of the workplace environment or the provision of specific or accessible equipment. The employment office negotiates an agreement (partnership) with the employer. This agreement sets out explicitly the contribution of the employment office specifically contributes to needs to be (e.g. the purchase of a desk, a computer with voice output, the adaptation of a workplace for wheelchair users, etc.). The total amount of the contribution is also agreed upon by both parties. The contribution is provided in one or in several payments in advance. The contribution is reimbursed to the employer's account on the dates specified in the agreement. When deciding on the provision of this contribution, the employment office assesses the prospects of a person with a disability applying for the job, the current financial situation in the regional labour market and whether the applicant draws additional allowances and subsidies. Specifically, the employment office will assess the number and structure of vacancies in the region and the employability of a particular person in the labour market, their abilities and competencies (qualifications, current length of employment, skills, motivation), the economic situation of persons with disabilities and social threats. There is no legal entitlement to this contribution. Both employers in the open market and those in the sheltered labour market can receive a contribution for the establishment of an accommodated workplace for a person with a disability.

The weakness of this contribution system lies in its complexity and the demanding administration associated with the partnership agreement process and with setting the purpose and amount of the contribution. In addition, employers are committed through the agreement to maintain the funded workplace for at least three years. Data on how widely this scheme is used

## 10 The European Disability Forum

is not available in the public domain. Anecdotal evidence suggests that employers are disheartened by the three-year requirement when considering to apply for a contribution towards the establishment of a workplace for a person with a disability.

The second type of support provided by the state aims to cover the employers' operational costs incurred in connection with the employment of a person with a disability. The employment office may provide a contribution to the operational costs on the basis of a written partnership agreement with an employer who employs a person with a disability. The legal entitlement to this contribution is set in the law. It is provided up to a maximum amount of €1,940.04 (CZK 48,000) per year. The contribution is provided in advance on a quarterly basis or in another agreed period. Compensation of operational costs is not possible<sup>9</sup>.

Costs associated with implementing reasonable accommodation measures, including administrative costs, costs of operating staff and work assistants, transport costs in connection with the employment of persons with disabilities, costs of adapting the workplace and other costs, are considered operational costs. The negotiation and possible agreement on this contribution will take place on the basis of an application submitted by the employer. Key prerequisites include:

- the employee is recognised as a person with a disability in the first, second or third disability degree category;
- the employee does not work outside the employer's workplace (i.e., an employee who works from home).

When determining the provision of the contribution for employers to cover operational costs, the employment office assesses the eligibility and necessity of the costs for which the employer requests the allowance and whether the applicant draws additional allowances and subsidies for employing a person with a disability and evaluates the applicant's current approach to employing persons with disabilities. In order to claim operational costs, the employer is required to prove that these costs are directly related to the employment of persons with disabilities. If the employer does not prove it with the necessary documents, the operational costs will not be recognised. The process is set by the administrative regulations.

The EDF employer survey revealed limitations in the implementation of the reasonable accommodation principles. Only 21% of the respondents (n=5) reported that their human resources policy has reasonable accommodation for employees with disabilities embodied in their standardised procedures. The respondents described a number of examples of measures they have in place to facilitate the engagement of persons with disabilities in their companies/organisations. These include assistance in employment, barrier-free or adapted workplaces, reduced or flexible working hours, working from home, and sick-days. The main cost of reasonable accommodation was associated with the built environment.

The respondents were rather brief in reporting about existing limits in the provision of reasonable accommodation. According to one respondent, it is more about "reluctance of people with disabilities to work in a manufacturing plant". Another representative stated: "Sometimes layout and spaces [of the workplace, added by the author] simply do not allow accommodating [the workplace for a person with a disability, added by the author] without major reconstructions."

In the Czechia, there are programmes available to employers to cover part of the costs of making a reasonable accommodation. However, the EDF survey indicates incomplete awareness among companies/organisations about the public programmes related to supporting the provision of reasonable accommodation in the workplace for employees with disabilities. The vast majority of respondents (79%, n=19) are not aware of such programmes and incentives. Those with some degree of awareness expressed their reservations about the current system available to employers to cover part of the costs of a reasonable accommodation. For one respondent, the incentives are "financially insufficient and bureaucratically lengthy". Another respondent commented on the preference of the state to support the employment of persons with disabilities in a segregated work environment: "The state emphasises almost exclusively supporting the so-called 'protected labour market'. The state provides minimal support to employers in the open labour market." The same person addressed the low awareness of employers about the public programmes related to supporting employees with disabilities in employment: "Although there are system instruments that could support employers in employing persons with disabilities (work rehabilitation programmes, employment allowance, protected workplace, etc.), there is almost no awareness amongst the employers and the labour office personnel about these measures. In addition, the sole provider of employment services in the Czechia [the labour office, added by the author] does not actively work with employers from mainstream employment. As a result, 60-70% of persons with disabilities are outside the labour market."

## 12 The European Disability Forum

Representatives of OPDs contributing to the interviews raised their concerns about limitations in the implementation of Article 27 of the CRPD. They stressed that the notion of 'reasonable accommodation' needs to be understood within the specific context of a particular disability type.

Persons with disabilities are mostly employed in sheltered work. This is particularly the case for persons with intellectual and developmental disabilities. There is an absence of exemplar good practices of persons with IDD working in the open labour market. Prejudices within society are thought to also amplify the reluctance of companies/organisations to provide reasonable accommodations.

The interviewees also reported limitations in the awareness of companies/organisations about the programmes and financial incentives aimed at supporting the implementation of reasonable accommodations in employment. Incomplete awareness of companies/organisations about policies and programmes targeted at better engagement of persons with disabilities appeared not only in interviews with OPD representatives but also in the EDF employer survey. OPD representatives informed about their continuous efforts to advise employers about such programmes and financial incentives.

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