



Czech Republic: a new boost for the Civil Service

The Czech Republic is the only Member State of the European Union where, in practice, the status of public servants is not governed by law, even though that was one of the pre-conditions for the country's accession in 2004. However, since the country became independent in 1993, the Constitution¹ has contained references to the legal protection of public servants.

Over its twenty one years of existence, the Czech Republic has had a succession of thirteen governments, that is to say on average a new government every eighteen months. This extreme instability has had very significant repercussions for the efficient running of government departments. As part of the country's accession to the European Union in May 2004, a Law on the Civil Service, approved by the Commission, had been adopted in 2002². However, its entry into force has been postponed five times by the governments of the day, arguing that serious budgetary constraints made it impossible to implement.

Today, civil service staff are still governed by the Labour Code³ and they do not enjoy any special status or special legal protection. The regular replacement of senior management following each change of government has resulted in a real loss of institutional memory. Many experts, members of civil society and also certain politicians concluded that this situation could not be allowed to continue. In December 2013, a group of Social-Democrat Members of Parliament tabled an amendment to the 2002 Law and, in his general policy statement⁴, the Prime Minister, Bohuslav Sobotka, made the adoption of a new Law on the Civil Service an absolute priority.

A reform which became a necessity

Under pressure from Brussels which, on 29 October 2013⁵, decided to make the grant of further European funding conditional upon the presentation of a draft law on Civil Service reform, in its Decision No 325/2014, the government set out a clear road map for the implementation of the new law, with a strong commitment to bringing it into force in January 2015. In view of the very short timescale and the need to reach a rapid consensus within the coalition⁶, it opted for a fast-track legislative procedure. Working groups consisting of politicians and civil society experts were set up in order to ensure maximum transparency and to reach a consensus.

Between January and June 2014, the Government Office held a large number of hearings in order to obtain the opinions of the various stakeholders. The draft law⁷ was formalised after consultations not only with the human resources and legal departments of government ministries and agencies and professional organisations, but also with several NGOs, such as 'Rekonstrukce Státu'⁸ (Reconstruction of the State) and academics. In order to raise awareness and get the general public and the media interested in the issue, a dedicated website www.statnisluzba.cz was set up in May.

¹ <http://www.psp.cz/cgi-bin/eng/docs/laws/1993/1.html>

² <http://unpan1.un.org/intradoc/groups/public/documents/NISPAcee/UNPAN012622.pdf>

³ http://is.muni.cz/th/134602/pravf_b/?url=%2Fth%2F134602%2Fpravf_b%2F:so=nx:lang=en

⁴ <http://www.vlada.cz/en/media-centrum/dulezite-dokumenty/policy-statement-of-the-government-of-the-czech-republic-116171/>

⁵ http://europa.eu/rapid/press-release_MEMO-13-935_en.htm

⁶ <http://www.czech.cz/en/News/NGO-civil-service-watered-down-by-political-compr>

⁷ <http://www.statnisluzba.cz/new-czech-civil-service/>

⁸ <http://www.rekonstrukcestatu.cz/en>

This transparent consultation process, which is unprecedented in the country's modern history, received a broadly positive reaction from stakeholders. The Council of Economic and Social Agreement⁹, on which all the social partners are represented, approved the draft law at its meeting on 30 June. The positive opinions on the draft law expressed by Statorg (the public servants trade union federation), NGOs such as European Movement International and Transparency International in the Czech Republic, were supported by the Ombudsman¹⁰.

The draft law was passed by Parliament on 10 September.

Enlarged scope and the introduction of legal status

In order to ensure the successful implementation of the reform, a new Directorate General of the Civil Service (Generální Ředitelství pro Civilní Službu) is to be set up. The future Director General will have the rank of Deputy Minister of the Interior and will be selected by an independent committee appointed by the government. Before the end of the year, he/she will have to appoint fifteen State Secretaries (one for each ministry and the Government Office). Their main task will be to protect civil servants from political influence by ensuring that the new HR procedures established by the law are strictly applied.

As of 1 January 2015, the new Law will apply to all central government departments¹¹, with the exception of the Court of Audit (because of its independence as defined by the Constitution), the National Security Authority (because it works closely with the intelligence services) and the Office of the Chief of the Defence Staff. The Law also contains specific provisions relating to the 'regulatory' authorities. The road map provides for a two-year transitional period for the implementation of all the provisions of the new Law.

That Law for the first time officially introduces the term 'civil servant' (as opposed to simply 'government employee'). As of 1 January 2015, all government employees (apart from those employed in the three bodies excluded from the scope of the Law) will therefore become civil servants. Staff who have worked for less than three years during the last ten years will have to take a qualifying examination (*úředník zkouška*). The Directorate General of the Civil Service will supervise the selection procedure which is to be put in place for the recruitment of all management staff. At the end of the two-year transitional period, all management staff should have been newly recruited or have had their positions confirmed. In response to criticisms from some parties, the government has stated that a transitional period is the only realistic approach to ensure the successful implementation of this reform of the government service, which has a workforce of 80 000.

New rules on careers and pay

Fears have also been expressed, by the opposition for example, concerning the risk of creating a new bureaucratic system which would not make access to the Civil Service any easier than it was before. The new Law places emphasis on careers, but it is also intended to be more open to external recruitment. Four grades (including three management grades¹²) have been introduced. Only management posts will be reserved for central government or even local government civil servants, provided that, in the latter case, their years of service and their qualifications are recognised by the central government civil service.

The pay system, which is to be rolled out during the transitional period, has also been radically changed. Contractual salaries, which are highly controversial and which had become the general rule over the years, will be abolished and replaced by pay based on salary scales, and the principle of seniority has been reintroduced. The additional allowance will be limited to a maximum of 25 % of the annual salary. The variable component of salaries (performance-related bonus) will be directly linked to the civil servant's annual appraisal. These changes are designed to introduce a fairer and, above all, more transparent pay system. The government says that it has made every effort not only to increase the transparency of human resources policies, but also to avoid the risk that pay will remain a means whereby senior management can apply pressure, regardless of the actual results achieved.

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⁹ <http://www.vlada.cz/cz/za-premierem-a-vladou/role-and-objectives-of-the-council-of-economic-and-social-agreement-of-the-czech-republic-rhsd-cr-5652/>

¹⁰ <http://www.ochrance.cz/en/home/>

¹¹ The EU specifically requested that departments responsible for managing European funds should be included.

¹² Namely: heads of unit (*vedoucí oddělení*), departmental directors (*ředitelé odboru*) and directors general in charge of divisions, (*náměstci pro řízení sekcí*).