

GLOBALG.A.P. Risk-Assessment on Social Practice (GRASP)

GRASP Module – Interpretation for Czech Republic

V 1.3

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English Version

Developed by Czech Society for Quality



Control Point	Compliance Criteria	Interpretation for Czech Republic
EMPLOYEES' REPRESENTATIVE(S)		
1	<p>Is there at least one employee or an employees' council to represent the interests of the staff to the management through regular meetings where labor issues are addressed?</p>	<p>Documentation is available which demonstrates that a clearly identified, named employees' representative(s) or an employees' council representing the interests of the employees to the management is elected or in exceptional cases nominated by all employees and recognized by the management. The election or nomination takes place in the ongoing year or production period and is communicated to all employees. The employees' representative(s) shall be aware of his/her/their role and rights and be able to discuss complaints and suggestions with the management. Meetings between employees' representative(s) and the management occur at accurate frequency. The dialogue taking place in such meetings is duly documented. N/A if the company employs less than 5 employees.</p> <p>Employees in basic labour relations have a right to information and discussion. The employer is obliged to provide information to employees and negotiate with them directly if there is no trade union, employees' council or occupational health and safety representative at the location of the employer.</p> <p>Trade unions act in labour relations including collective bargaining; an employees' council and occupational health and safety representative may be elected if there is no trade union operating in the plant. Employees' representatives are obliged to inform employees in a suitable manner about the activities pursued by the employees' representative, about the contents and conclusions of information and discussions with the employer.</p>
COMPLAINT PROCEDURE		
2	<p>Is there a complaint and suggestion procedure available and implemented in the company through which employees can make a complaint or suggestion?</p>	<p>A complaint and suggestion procedure appropriate to the size of the company exists. The employees are regularly informed about its existence, complaints and suggestions can be made without being penalized and are discussed in meetings between the employees' representative(s) and the management. The procedure specifies a timeframe to answer complaints and suggestions and take corrective actions. Complaints, suggestions and their follow-up from the last 24 months are documented.</p> <p>The employer is obliged to discuss with the employee or, if requested by the employee, with the trade union or employees' council or occupational health and safety representative a complaint of the employee concerning the exercise of rights and obligations arising from labour relations.</p> <p>If there is a trade union or employees' council at the employer, it is appropriate to file complaints and communications through them.</p> <p>If there is not a trade union or employees' council at the employer, an employee has a right to file a complaint themselves. The method of filing complaints and the related procedure as well as the method of keeping the records of such complaints are usually set out individually by employers.</p> <p>The complaint procedure, through which employees can make a complaint, must be available on the farm.</p>

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SELF-DECLARATION ON GOOD SOCIAL PRACTICES		
3	Has a self-declaration on good social practice regarding human rights been signed by the management and the employees' representative and has this been communicated to the employees?	<p>The management and the employees' representative(s) have signed, displayed and put in practice a self-declaration assuring good social practice and human rights of all employees. This declaration contains at least commitment to the ILO core labor conventions (ILO Conventions 111 on discrimination, 138 and 182 on minimum age and child labor, 29 and 105 on forced labor, 87 on freedom of association, 98 on the right to organize a collective bargaining, 100 on equal remuneration and 99 on minimum wage) and transparent and non-discriminative hiring procedures and the complaint procedure. The self-declaration states that the employees' representative(s) can file complaints without personal sanctions. The employees have been informed about the self-declaration and it is revised at least every 3 years or whenever necessary.</p> <p>The Czech Republic has ratified conventions of the International Labour Organization (ILO) regulating labour relations and conditions. These conventions are superior to the Czech legal regulations so the employers have to comply with them in the territory of the Czech Republic.</p> <p>They include the following conventions:</p> <ul style="list-style-type: none"> Convention 11 – Right of Association (Agriculture) Convention Convention 29 – Forced Labour Convention Convention 87 – Freedom of Association and Protection of the Rights to Organise a Convention Convention 98 – Right to Organise and Collective Bargaining Convention Convention 99 – Minimum Wage Fixing Machinery (Agriculture) Convention Convention 100 – Equal Remuneration Convention Convention 105 – Abolition of Forced Labour Convention Convention 111 – Discrimination (Employment and Occupation) Convention Convention 122 – Employment Policy Convention Convention 135 – Workers' Representatives Convention Convention 138 – Minimum Age Convention Convention 144 – Tripartite Consultation Convention Convention 155 – Occupational Health and Safety Convention Convention 182 – Worst Forms of Child Labour Convention
ACCESS TO NATIONAL LABOR REGULATIONS		
4	Do the person responsible for the implementation of GRASP (RGSP) and the employees' representative(s) have knowledge of or access to recent national labor regulations?	<p>The person responsible for the implementation of GRASP (RGSP) and the employees' representative(s) has knowledge of or access to national regulations such as gross and minimum wages, working hours, trade union membership, anti-discrimination, child labor, labor contracts, holiday and maternity leave. Both the RGSP and the employees' representative(s) know the essential points of working conditions in agriculture as formulated in the applicable GRASP National Interpretation Guidelines.</p> <p>The employer is obliged to ensure the occupational health and safety of employees. The employer's obligation to take care of occupational health and safety forms an integral and equally important part of the work obligations of managers. The employer is obliged to provide employees with sufficient and adequate information and instructions concerning occupational health and safety.</p> <p>The employer is obliged to provide employees with training on legal and other regulations to ensure occupational health and safety. The training shall be provided by the employer to its new employees and to the employees whose function, kind of work or technologies have changed.</p>

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			<p>The employer is obliged to provide a trade union and an occupational health and safety representative with training making it possible for them to exercise their function properly, and to provide them with access to legal and other regulations to ensure occupational health and safety.</p> <p>The main responsibility for health and safety at work has an employer according to the law. Employer pass these obligations to executives who must ensure that all employees have been trained and have knowledge of the regulations. Employer's obligation is also to ensure that worker health and safety and employee representatives have sufficient knowledge, undergone training and access to all relevant documents and regulation.</p>
WORKING CONTRACTS			
5	Can valid copies of working contracts be shown for the employees? Are the working contracts compliant with applicable legislation and/or collective bargaining agreements and do they indicate at least full names, nationality, a job description, date of birth, date of entry, wage and the period of employment? Have they been signed by both the employee and the employer?	For every employee, a contract can be shown to the assessor on request on a sample basis. Both the employees as well as the employer have signed them. Records contain at least full names, nationality, job description, date of birth, the regular working time, wage and the period of employment (e.g. permanent, period or day laborer etc.) and for non-national employees their legal status and working permit. The contract does not show any contradiction to the self-declaration on good social practices. Records of the employees must be accessible for at least 24 months.	<p>The employment is established by a working contract between the employer and employee.</p> <p>The working contract has to contain:</p> <ul style="list-style-type: none"> - contact data of the contracting parties (i.e. employer and employee) - kind of work to be performed by the employee for the employer - place(s) of work where the work is to be performed - date of the employment commencement - duration of employment. <p>The working contract has to be made in writing. Each contracting party has to obtain one counterpart of the working contract. The employee is entitled to a wage, salary or remuneration for the performed work.</p>
WAGES			
6	Is there documented evidence indicating	The employer shows adequate documentation of the salary transfer (e.g.	<u>Wages or salaries</u> are payable after the work performance, at the latest in the calendar month following the month in which the

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<p>regular payment of salaries corresponding to the contract clause?</p>	<p>employee's signature on pay slip, bank transfer). Employees sign or receive copies of pay slips / pay register that make the payment transparent and comprehensible for them. Regular payment of all employees during the last 24 months is documented.</p>	<p>employee became entitled to the wage or salary or to any component of the wage or salary. The regular pay day has to be agreed, set out or determined to be in the period stated in the preceding sentence.</p> <p>In the monthly settlement of wages or salaries the employer is obliged to provide the employee with a written document containing information about individual components of the wage or salary and deductions. If requested by the employee, the employer shall present documents based on which the wage or salary was calculated.</p> <p>Assignment of the right to a wage, salary or remuneration based on agreement or their compensation is prohibited.</p>
<p>PAY SLIPS</p>		
<p>7 Do pay slips / pay registers indicate the conformity of payment with at least legal regulations and/or collective bargaining agreements?</p>	<p>Wages and overtime payment documented on the pay slips / pay registers indicate compliance with legal regulations (minimum wages) and/or collective bargaining agreements as specified in the GRASP National Interpretation Guideline. If payment is calculated per unit, employees shall be able to gain at least the legal minimum wage (on average) within regular working hours.</p>	<p>For the time of overtime work the employee is entitled to the wage to which they became entitled for such time, unless the employer and the employee agree on time off in lieu.</p> <p>For the time of work on rest days the employee is entitled to the attained wage and time off in lieu to the extent of the work performed on the rest day.</p> <p>For the time of night work and work on Saturday and Sunday the employee is entitled to the attained wage and a bonus amounting to no less than 10 % of the average earnings.</p> <p>For the time of work in an arduous work environment the employee is entitled to the attained wage and a bonus.</p> <p>Wages in kind may be provided by the employer only with the employee's consent. The amount of the wage paid in money to the employee by the employer must not be lower than the relevant minimum wage.</p> <p>Overtime work can be performed only rarely. An employer may order overtime to employees in case of serious operational reasons. Overtime may not be more than 8 hour a week and 150 hours per calendar year. The employee must agree with overtime work.</p> <p>The salary must not be lower than the minimum wage established by the Government Regulation on minimum wage. Every</p>

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			<p>employee is entitled to a salary the minimum amount of the minimum wage. This law applies to full time employees , but also to secondary employment on agreement on work performance (students job, contract for work etc.).</p> <p>Entitled to a minimum wage arises in any employment or legal relationship based on agreements.</p> <p>Minimum wage is defined by the Government Regulation. The monthly minimum wage – 9 200 CZK (average 40 hour per week), Hourly minimum wage – 55 CZK</p>
NON-EMPLOYMENT OF MINORS			
8	Do records indicate that no minors are employed at the company?	Records indicate compliance with national legislation regarding minimum age of employment. If not covered by national legislation, children below the age of 15 are not employed. If children -as core family members- are working at the company, they are not engaged in work that is dangerous to their health and safety, jeopardizes their development or prevents them from finishing their compulsory school education.	<p>The Czech Republic has ratified the ILO Convention 138 – Minimum Wage Convention. This Convention sets 15 years as the minimum age of employment or work in the territory of the Czech Republic.</p> <p>Employment of children below 15 years of age or children who have not finished their compulsory school education is prohibited. Such children may only pursue artistic, cultural, advertising or sports activities. A child who has reached 15 years of age and finished their compulsory school education may commit to perform depended work under another legal regulation. A person attains full legal capacity upon reaching the age of majority. The age of majority is 18 years.</p>
ACCESS TO COMPULSORY SCHOOL EDUCATION			
9	Do the children of employees living on the company's production/handling sites have access to compulsory school education?	There is documented evidence that children of employees at compulsory schooling age (according to national legislation) living on the company's production/handling sites have access to compulsory school education, either through provided transport to a public school or through on-site schooling.	<p>In the territory of the Czech Republic, school education is compulsory for nine school years but no more than until the end of the school year in which the pupil reaches 17 years of age. Compulsory school education applies to the citizens of the Czech Republic and the citizens of other EU Member States who stay in the territory of the Czech Republic for more than 90 days.</p> <p>Compulsory school education begins at the beginning of the school year that follows the day when the child reaches 6 years of age, unless suspension of the child's education is permitted. A child has to be registered by their legal guardian for compulsory school education.</p>

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			<p>Pupils undergo compulsory school education at the basic school established by the municipality or a union of municipalities seated in the school district where the pupil has their permanent residence, unless the pupil's legal guardian selects a school other than the school in their catchment area.</p> <p>Municipalities are obliged to secure the conditions for the fulfilment of compulsory school education of children who have their permanent residence in the territory of the given municipality. Municipalities establish and dissolve basic schools or arrange fulfilment of compulsory school education at a basic school established by another municipality or union of municipalities.</p> <p>Another method of fulfilment of compulsory school education is individual education taking place without regular attendance of the school, and education of pupils with a severe mental disability.</p>
TIME RECORDING SYSTEM			
10	Is there a time recording system that shows working time and overtime on a daily basis for the employees?	There is a time recording system implemented appropriate to the size of the company that makes working hours and overtime transparent for both employees and employer on a daily basis. Working times of the employees during the last 24 months are documented. Records are regularly approved by the employees and accessible for the employees' representative(s).	<p>The employer is obliged to keep records for every employee, showing the beginning and end of each worked: shift, overtime work and other agreed overtime work, night work, time actually worked while the employee had the on-call duty.</p> <p>If requested by the employee, the employer is obliged to allow the employee to inspect their account of working hours or records of working hours and their account of wages and make extracts from them or copies at the employer's expense.</p> <p>The selected recording method has to allow proving the required facts if requested by an inspection authority (labour inspectorate).</p>
WORKING HOURS AND BREAKS			
11	Do working hours and breaks documented in the time records comply with applicant legislation and/or collective bargaining agreements?	Documented working hours, breaks and rest days are in line with applicant legislation and/or collective bargaining agreements. If not regulated more strictly by legislation, records indicate that regular weekly working hours do not exceed a maximum of 48 hours, during peak season (harvest), weekly working time does not exceed a maximum of 60 hours. Rest breaks/days are also	<p>Working hours, breaks, safety breaks, overtime hours and rest days have to be in line with the provisions of the Labour Code regulating working hours and time of rest. The standard weekly working hours are 40 hours per week. The standard weekly working hours of employees working:</p> <p>a) underground in coal, ores and industrial minerals mining, in mining development and in mining sites of geological surveys are 37.5 hours per week</p> <p>b) in a three-shift and nonstop work schedule are 37.5 hours per</p>

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		guaranteed during peak season.	<p>week,</p> <p>c) in a two-shift work schedule are 38.75 hours per week.</p> <p>The employer is obliged to give the employee a break for a meal and rest lasting no less than 30 minutes after 6 hours of uninterrupted work at the latest; a juvenile employee has to be given such a break after 4.5 hours of uninterrupted work at the latest. Where work that cannot be interrupted is performed, the employee must be given an adequate time for rest and a meal even without interrupting the operation or work; such time is included in the working hours.</p> <p>If an employee has the right to a safety break under special legal regulations when performing work, such a break is included in the working hours.</p> <p>If a safety break falls during the time of the break for a meal and rest, the break for a meal and rest is included in the working hours.</p> <p>The duration of a shift must not exceed 12 hours.</p>
ONLY APPLICABLE FOR PRODUCER GROUPS INTEGRATION INTO QMS			
QMS	Does the assessment of the Quality Management System (QMS) of the producer group show evidence of the correct implementation of GRASP for all participating producer group members?	The assessment of the Quality Management System of the producer group demonstrates that GRASP is correctly implemented and internally assessed. Non-compliances are identified and corrective actions are taken to enable compliance of all participating producer group members.	.
ADDITIONAL SOCIAL BENEFITS			
R 1	What other forms of social benefit does the company offer to employees, their families and/or the community?	Please specify (incentives for good and safe working performance, bonus payment, support of professional development, social benefits, child care, improvement of social surroundings etc.).	<p>Benefits are usually provided in a monetary or non-monetary form. Monetary benefits include contributions to:</p> <ul style="list-style-type: none"> - meals - sports and health - culture and recreation - accommodation and transport - allowance in addition to sickness benefits - employee shares

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		<ul style="list-style-type: none"> - supplementary pension and life insurance - loans with more favourable terms - educational courses and training - using a car or mobile phone and computer also for private purposes - gifts for life and other anniversaries - interest-free or low-interest loans for housing purposes or overcoming a difficult life situation - benefits in kind – company products, etc. <p>Non-monetary benefits include:</p> <ul style="list-style-type: none"> - above-standard leave - time off for arrangements or medical therapy - flexible working hours - working from home, etc. <p>The form and quantity of the employee benefits are determined by the employer.</p> <p>For government branches and publicly funded organisations established by the State and publicly funded organisations established by local government units, the Cultural and Social Needs Fund Regulation regulates the amount in which the cultural and social needs fund has to be created. The basic allocation to the fund amounts to 1 % of the annual volume of costs paid as salaries and salary compensations or wages and wage compensations and remunerations for on-call duty and remunerations and other consideration paid to apprentices for their productive work performed as a part of professional training.</p>

Annex to GRASP Interpretation for Czech Republic

Control Point 1:

Labor Code No. 262/2006 Coll. § 3, 276, 281, 286

Control Point 2:

Labor Code No. 262/2006 Coll. § 3, 276, 281, 286

Labor inspection Act No. 251/2005 Coll.

Control Point 3:

http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:102723

Control Point 4:

Labor Code No. 262/2006 Coll. § 101, 103, 106, 108

Control Point 5:

Labor Code No. 262/2006 Coll. § 3, 33, 34, 109, 113, 122

Control Point 6:

Labor Code No. 262/2006 Coll. § 113 – 134, 136, 142

Control Point 7:

Labor Code No. 262/2006 Coll. § 91, 93, 113, 114 - 119, 123, 135 – 6

Government Regulation on minimum wage No. 567/2006

Control Point 8:

ILO Convention 138 – Minimum Wage Convention

Civil Code No. 89/2015 Coll. §34, 35, 30

Labor Code No. 262/2006 Coll.

Control Point 9:

Act on Pre-school, Basic, Secondary, Tertiary Professional and Other Education (the Education Act) No. 561/2004, § 3, 11, 36, 40, 41, 42, 178

Control Point 10:

Labor Code No. 262/2006 Coll. § 78, 93 – 96

Control Point 11:

Labor Code No. 262/2006 Coll. § 78 – 92

R1:

Act on Income Taxes No. 586/1992 Coll.

Reform of Income Taxes No. 261/2007 Coll.

Decree on Cultural and Social Needs Fund, No. 114/2002 Coll.

All legislation and international agreements are always meant as amended.