

**ISSUES FOR CONSIDERATION WHEN COMPILING THE LIST OF ISSUES  
on the Second Periodic Report of the Czech Republic  
under the International Covenant on Economic, Social and Cultural  
Rights**

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League of Human Rights (LIGA)  
Burešova 6, 602 00 Brno  
Czech Republic  
[www.llp.cz](http://www.llp.cz); e-mail: [brno@llp.cz](mailto:brno@llp.cz)

## INTRODUCTION

1. This additional written submission provides information to the United Nations Committee on Economic, Social and Cultural Rights (hereinafter “the Committee”) for consideration when compiling the List of Issues on the Second Periodic Report of the Czech Republic under the International Covenant on Economic, Social and Cultural Rights (hereinafter “the Government’s Report”).
2. This submission concerns relevant issues under the ICESCR with regard to the
  - a. Right of everyone to the enjoyment of just and favorable conditions of work (art. 7),
  - b. Right of everyone to the enjoyment of the highest attainable standard of physical and mental health (art. 12).
3. **System of healthcare in Czech hospitals doesn't provide enough rest and leisure for the doctors, as well as the working hours are not set with a regard to the right to the highest level of physical and psychical health for doctors and patients.**
4. This submission has been written by the League of Human Rights (hereinafter “LIGA”). LIGA is a non-governmental human rights organization established in 2002 and headquartered in Brno, Czech Republic. Our vision is fair, free and engaged society for all. Since 2002, LIGA has been systematically promoting human rights in criminal justice, including children rights. LIGA is a member organization of Fédération Internationale des droits de l’Homme (FIDH).

## COMMENTS UNDER THE ICESCR

### Failure to ensure just and favorable conditions of work in public hospitals and the highest attainable standard of health of doctors and patients

#### 1.1. Failure to ensure safe and healthy working conditions and rest, leisure and reasonable limitation of working hours in public hospitals

5. The doctors are forced to work overtime in Czech Republic to a large extent, often several times a week. In fact, it commonly looks as follows: the doctor comes to work at 7.30 AM and works to the other day till 7.30 AM. The leisure time does not follow afterwards. It is common, that after this shift, the doctor has to go working to the other 8-hours shift, which means **32 hours non-stop working**. The week-end shifts for 48 hours are not exceptional, sometimes include 8 more hours on Monday, therefore, they are **56 hours continually at work**. It is accepted that the doctor can sleep a bit during the night shift, but it is not a rule. Therefore, the doctors in hospitals commonly work for **100 hours a week**.
6. This situation concerns all public hospitals, including university hospitals set up and controlled directly by the Ministry of Health. The doctors are obliged to overtime work in the frame of the full-time employment, but moreover, they are forced to enter into the part-time contracts as well (formally called e. g. «completion of documentation", but in fact other overtime work). Except of that, in the university hospitals, the doctors must teach the students above the frame of their contract. It is the **Labour Code evasion**, which claims the maximum working time of 40 hours and maximum overtime work 8 hours a week.
7. The situation results into overloading the doctors. Recently, the outcomes of the Charles University in Prague and Czech Doctor's Chamber research (15.000 doctors took part) have been published.<sup>1</sup> In the result, **every third Czech doctor suffers very serious burn-out syndrome**. Moreover, according to the

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<sup>1</sup> Third of doctors suffer from burnout. Published on 24 September 2013. Available at: <http://praguemonitor.com/2013/09/24/mfd-third-doctors-suffer-burnout>

author, the doctors feel very depressed, hate their profession and patients and are cynical and demotivated. The risk of very serious professional errors is very high. Effectiveness of chosen methods and the whole system is very low, on the other hand.

8. The author claims that the effectiveness of the treatment by burned-out doctors decreases rapidly, and he follows: *"So far, the patients demand an intense personal contact with the doctor (which can, according to plenty of studies, have positive effect on them). However, the burned-out doctor evades, or minimizes this contact. Burn-out syndrome doesn't affect the doctors and other health care professionals only, but affects the whole system and the one who suffers is the patient."*<sup>2</sup>

#### **Suggested question to the Government:**

- **Please indicate the measures that the state party plans to adopt in order to ensure that doctors in public hospitals are provided with reasonable limitation of working hours and thus safe and healthy working conditions.**

#### 1.2. Failure to ensure the highest attainable standard of health of doctors and patients in public hospitals

9. According to the CESCR Committee's General Comment No. 14, the State has the obligation to take deliberate, concrete and targeted steps towards the full realization of the right to health.<sup>3</sup> Some of the essential elements of the right to health are quality of health facilities and services, which requires *inter alia* skilled medical personnel, and access to information concerning health issues.<sup>4</sup> The right to health imposes the obligation of the State to respect, protect and fulfill. The obligation to fulfill requires the State to adopt appropriate legislative,

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<sup>2</sup> Ptáček, Radek. Burned out- doctor or health care system? (Vyhořelý lékař, nebo zdravotnictví?) Published on 10 March 2013. Available at: <http://zdravi.e15.cz/clanek/priloha-pacientske-listy/vyhorely-lekar-nebo-zdravotnictvi-469861?category=z-domova>

<sup>3</sup> CESCR/E/C/12 – The right to the highest attainable standard of health, 11 August 2000, para 30.

<sup>4</sup> Ibid, para 12.

administrative, budgetary, judicial, promotional and other measures towards the full realization of the right to health.<sup>5</sup>

10. According to the situation in Czech public hospitals described above with the regular burn-out syndrome of the doctors, it is visible that the quality of healthcare and the health of patients and doctors are influenced negatively. The conditions of work lead to permanent stress and exhaustion of the doctors, which is shown on their physical and psychical condition. Concerning the patients, they are not provided quality care. They don't have enough information and cannot influence the fact that the care is provided by an exhausted doctor after e. g. 24 hours continual shift.

**Suggested question to the Government:**

- **Please inform the Committee how the state party has guaranteed that working conditions and hours in public hospitals do not lead to threats to health of doctors and patients.**

Brno, 9 October 2013

Zuzana Candigliota

Legal director

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<sup>5</sup> Ibid, para 33.