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## HISTORICAL, SOCIOLOGICAL AND JURIDICAL ANALYSIS OF TRAINING OF LOCAL GOVERNMENT EMPLOYEES IN CZECH AND SLOVAK REPUBLIC

Frédéric DELANEUVILLE

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### **Abstract**

*The Czech Republic and Slovakia are characterised by a special relationship with the training of employees in public sector due to their shared paths in the Czechoslovakia. In Czechoslovakia, which was long under the Soviet yoke, regional and local authorities were perceived as a potential risk to the regime. In this two countries decentralised territorial management models were quickly imported after the fall of the Berlin Wall but during this transition human resource management was neglected. Although legislating in these two countries quickly recognised the principles of local autonomy, aspects relating to the training of local government employees emerged more slowly. Legal frameworks for the training of local government employees are therefore relatively new.*

### **Keys words:**

*decentralisation, human resources, training, local government employees*

**JEL Classification:** M12

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### **Introduction**

In the Czech Republic and Slovakia decentralised territorial management models were quickly imported after the fall of the Berlin Wall. At the time, these two countries were characterised by the absence of a culture of local action, which had wiped out several decades of Soviet communism. It was therefore a matter of breaking away from this authoritarian centralised model, and democratisation seemed to require decentralisation. The importing of these models of governance (Radaelli, 2003) which were not necessarily suited to the socio-political reality of these central European states was accelerated with a view to joining the European Union. Numerous legal powers were granted to the regional and local authorities that were hurriedly set up, without giving the newly-recruited employees – most of whom were from a state administration background – time to be trained. The restitution of political autonomy to villages, which had been under collective authoritarian rule during the normalisation period of 1968 to 1989, led to an increase in the number of municipalities (Klimovský, 2010, p. 251) as well as in the need for *ad hoc* training. These municipalities were granted new powers, without having the means to exercise them. This observation also applies to the regions created latterly. In the 1990s, regionalisation was therefore perceived as a necessary criterion for joining the European Union, and the prospect of obtaining structural funds accelerated this process. Central authorities orchestrated these institutional decentralisations, and legal frameworks that protected

local autonomy were quickly adopted. However, successive reforms have gradually allowed for the implementation of training systems that now have some similarities with those that exist in other European countries.

### **Literature overview**

Many authors analysed the transition of the state in Czechoslovakia after the fall of the Berlin wall. For François Bafail, the collapse of communism in Central and Eastern Europe in 1989 was a far-reaching event. It opened up on the reunification of the European continent and on the consolidation of the sovereignty, long and several times lost, of the new EU member states. The affirmation of their political, economic and social independence has been the basis of post-communist transformation. CEE countries were also exposed to the globalisation movement, an economic phenomena perceived by some either as wealth-being creator or evil for the society (Saxunova, 2015). These processes had an impact of municipalities, as Ludmila Malikova showed that the creation of regional and local self-government including public employees was a real challenge after 1989 but a literature focusing on the evolution of human resources management of the region and municipalities personal is lacking.

### **Goal and Methodology**

In order to correctly present the issue of training of local government employees and local elected representatives in the states examined here, in the first part we will analyse at the sociological and historical context. The vast majority of local government employees were recruited from state administration. These people often retain their centralist-influenced institutional cultures. This could have led *de facto* to a dependence on central authorities. In the second part we analyse the legal framework of the training of local government employees in the Czech Republic and Slovakia. During this transition human resource management was neglected in favour of an overly formalist legal approach that sought to create decentralised structures. We will analyse mechanisms to protect local autonomy adopted in Slovakia and the Czech Republic in the 1990s. The constitutions of these countries explicitly recognised this concept, but initially, they neglected the aspects relating to human resources. Due to a lack of time and adequate financial means, their training has been deficient for a long time. It will be interesting to see if nowadays these two countries have adopted a complete legislative framework for the training of local government employees.

## Findings

The reassertion of local autonomy seemed an integral part of the democratisation process in Slovakia and Czech Republic (Swianiewicz, 2002). The prospect of joining the EU and receiving European funding undoubtedly played an accelerating role, but it also helped import models that were little suited to the socio-historical realities of these centralist-suffused countries (Malíková and Delaneuville, 2014, p. 697-702). In this specific context, the training of local government employees was very broadly insufficient. These two countries quickly enacted institutional decentralisation by restoring political autonomy to municipalities, then creating regional and local authorities (Badie, 1992). Local autonomy and its guiding principles, as recognised by the European Charter of 15 October 1985 ratified by these two countries, have legislative and sometimes even constitutional protection, but the hasty implementation of these reforms increased their formal nature (Slaughter, 2002). Slovakia and Czech Republic human resource management was neglected in favour of an overly legal-based approach to the transition. The adoption of formal legal rules for local autonomy by Slovakia and Czech Republic did not trigger an immediate change in practices. The over-representation of legal practitioners in European bodies and their key role during the joining process perhaps goes some way to explaining this negligence.

In the first instance, these two states even often neglected to include a specific legislative framework for the training of local government employees, who would be subject to either the rules of state public service or even the Labour Code (Malíková and Staroňová, 2004). More generally, it should be noted that, in Slovakia and Czech Republic, the specificity of regional and local public service is not clearly apparent in training systems. The lack of precision of the means for implementing training in legal texts, and the absence of any real overall training plans, are other weaknesses in the training systems for local government employees in these two countries. It should also be noted that, although legislation in these two countries has made training for local government employees compulsory and this legal framework is apparently a protective one, the training of local government employees was and still is largely inadequate in these countries where administrations operated according to a centralised, tiered model for several decades. Therefore, in many ways, the training of local government employees does not seem “up to the challenge”.

## Discussion

The management and training of human resources are major factors in any process of change. These institutional decentralisations overlooked the importance of managing and training human resources in making local public action operational. Even if, in the Czech Republic and Slovakia, regional and local authorities have a great deal of latitude in training their employees, this freedom may seem appealing from a local autonomy point of view, as it potentially means that systems can be implemented in line with regional and local needs, but in practice the lack of means limits the efficiency of this system. In general terms, the training systems for local government employees do not appear to be in line with requirements in Slovakia and Czech Republic. It might be worthwhile to consider new regulations that would make training more regular, meet the needs of local government employees themselves and contribute to their professional development in line with the concept of lifelong learning. Currently Slovakia and the Czech Republic, apart from initial training, any other training remains irregular and designed more to meet temporary external changes – legal ones in particular – than an employee’s needs in terms of their efficiency, the development of their professional skills or their long-term personal development. Solutions, such as the development of annual training programmes or mechanisms imposing compulsory minimum spending thresholds proportionate to the budgets of regional and local

authorities, could be envisaged. It would also appear beneficial to improve the mechanisms for evaluation and the systems for validating skills acquired through training and thereby it would contribute to the increase of the competencies of the trainees and it also should contribute to the base for a good reward system for the work performed. "Competency based compensation system is one which can satisfy the current scenario of performance linked pay in which employees are paid on the basis of actual performance" (Praveen, Karuppasamy, 2017). This system could be implemented also in building reward system of government employees. Generally, it could be wise to create the equivalent of a senior state public service body for local government employees, as they require a special status and skills that differ from those of state public service employees. Initially, the training of local government employees was very broadly inspired by existing mechanisms in state administration. Regional and local government employees need to have their status consolidated, and this requires specific training linked to the nature of their unique duties in particular.

In Slovakia and the Czech Republic, overall training systems appear inadequate, representing a major challenge that must be met for the developed and lasting autonomy of regional and local authorities. Nevertheless, given this principle, the solutions envisaged must always seek out a balance between recognising the freedom of the representative, capable of identifying their own needs, and the essential nature of training due to the growing complexity of the public matters they are confronted with due to the many decentralising reforms, which make regional and local authorities the principle operators of territorial development. A potential system could be one that includes compulsory basic training in local level complemented by an optional training offer encouraged through incentive systems in order to increase their appeal.

### **1. Recontextualisation of the training of local government employees in the Czech Republic and Slovakia**

It is essential to take the history of Czechoslovakia into consideration in order to understand the specific administrative cultures linked to these special histories (Rupnik, 1999). This provides a better understanding of the contemporary challenges of training of local government employees in these two countries where the very concept of local action, working to a "bottom-up" type model, is relatively recent.

In Czechoslovakia, which was long under the Soviet yoke, regional and local authorities were

perceived as a potential risk to the regime (Kováč, 1998). Hidden behind the egalitarian rhetoric of the regime was the fear of any opposition to the "single-party dictatorship" (Bafoil, 2006, p. 17). The communist hegemony was characterised by a very hierarchical organisation and the domination of the centre over the periphery. The capital cities home to the centres of power attempted to erase any regional specificity. Any hint of initiative was condemned. The so-called "normalisation" period followed on from the abortive attempt in to ease the grip of the regime through the implementation of a "socialism with a human face" in 1968, which was violently suppressed. It was not until the fall of the Berlin Wall that a genuine democracy was established. Authoritarian centralisation is part of the institutional history of the Czech Republic and Slovakia and allows us to understand the often-complex relationships between the capital cities and the peripheral regions.

In the 1990s, the reassertion of local autonomy seemed an integral part of the democratisation process. It had a very strong symbolic significance, which may explain the speed – or haste – with which the reforms took place. The gradual development of training of local government employees in the Czech Republic and Slovakia only met the challenges of increasing the professionalism of employees in regional and local authorities, but was also part of a broader process relating to the democratisation of the entire political system after the fall of the authoritarian, centralised system of the socialist state (Malíková, 1995). The democratisation of society was therefore impossible without the re-establishment of free regional and local structures stemming from regional and local authorities made up of inhabitants who were free to manage their futures and their local areas.

In Czechoslovakia, the rapid transfer of jurisdiction to municipalities and staff who are insufficiently prepared has led to many shortcomings. For example, in the context of a local democracy in its infancy, delegating the management of land planning has led to inconsistencies in the urban development of certain towns and cities. On occasion, it has even led to wrongdoing. In Slovakia, for example, the power to issue building permits has allowed for personal gain to the detriment of general interest, as is sometimes illustrated by the unbridled development of some constructions in areas that are over-populated and affected by pollution or by parking problems. In the absence of genuine control by a then-nascent local democracy, transferring certain powers to the municipalities turned out to be a risky gamble. In the former Czechoslovakia, where communism had at times led even the most audacious citizens to resign themselves to accepting the unacceptable, some

distrusted collective actions during this period, favouring more individual strategies. For example, the restructuring of human resources in public service has occasionally been rather opaque. It has only rarely provoked collective opposition, as this was not in the culture of these countries and would have been unlikely to succeed. The employees who lost out from this system were more willing to mobilise their networks individually in order to obtain a position in another department rather than collectively oppose the arbitrary or unjust nature of a reform. The loss of trust in the concept of general interest, which was distorted by the communist regime, and the absence of any culture of collective opposition have left a considerable degree of latitude for individual and partisan approaches. These have sometimes prevailed over local or regional interest, which were still rather vague notions.

Despite a desire for change, proponents of reform the Czech Republic and Slovakia countries have come up against institutional inertia. Sociologists have shown that the members of an organisation will not immediately become invested in a process when the expected outcomes are unknown, preferring instead to perpetuate traditional practices whose mechanisms they understand. Although the desire for change that existed after the fall of the Wall represented a window of opportunity and allowed for a full restructuring of constitutional and legislative frameworks, administrative practices have been subject to a degree of historical continuity (Delaneuville, 2015, p. 445-454). Changes to regional and local structure and the establishment of new institutions do not automatically trigger such a radical change in the mentality of employees, a much lengthier process. This is principally the case with local civil servants, who were trained under the authoritarian state regime and whose consequent behaviour has not instantly adjusted to changes in the institutional framework. Under the popular democratic system, the citizen was not a subject but rather an object in his or her relations with the state administration, and was obliged to passively accept the often arbitrary decisions of the nomenclature. The civil servant was always in command of the situation. This resulted in a flagrant imbalance between the civil servant and the "user". Changes to the rulebook after 1989 demanded a change in practices, not only from civil servants accustomed to their supremacy, but also from citizens, who often had an insufficient awareness of their rights. It took several years for citizens to gain recognition, and since this process is not yet complete, the issue of the central position of the user is far from resolved.

In the early years following the creation of regional and local authorities in the Czech Republic and

Slovakia, these structures were run alongside state structures in a system in which the distribution of powers remained vague for several years: "*In Slovakia, the distribution of powers between state structures and regional and the newly-established local authorities were very unclear in the period prior to joining the EU. Lines were blurred, but there was hope that the situation would be clarified in the future* (Jacko and Malíková, 2013, p. 124-137). This was the case also in the Czech Republic and the upheaval created by the many reforms with a view to joining created real instability.

Staff recruited to work in regional and local authorities were, by definition, mainly ex-state civil servants who unknowingly brought their centralist-influenced administrative cultures with them. "Sometimes, the administrative staff did not even have to move offices, and the new sign on the building in which they worked did nothing to immediately dispel their working habits (interview with Štefan BIELAK, mayor of Spišská Belá, conducted on 12.12.2010).

In a system in which power continued to be exercised in a very hierarchical way, no value was accorded to personal initiatives. For that matter, the reorganisation of territorial management was seen as a threat by employees, who suspected a drastic reduction in staffing (Malíková and Vavrová, 2011).

The implementation of a new institutional framework did not enable these states to completely shed the cultural vestiges of the communist regime. Local government employees of the newly-established regional and local authorities lacked any genuine culture of local action, putting them in an inferior, delayed position compared to central power.

In a system where, for several decades, the development of professional careers favoured hierarchical allegiance over skill, the recruitment of regional and local government employees could not immediately be conducted on a purely meritocratic basis. Unlike the private sector, where the law of the market has been able to punish inefficiency and push for rapid improvement in management and working methods, practices have developed more slowly in the public sector. This inertia has been exacerbated by the lack of means that could have provided for proper training of all public employees. In the Slovak economy, the public sector employees are mostly women and men dominate the private sector (Kottulová and Mitková, 2016, p. 10).

It is essential that this institutional heritage be taken into consideration in understanding the importance of the contemporary issues of training of local government employees in Czech Republic and Slovakia. Nevertheless, the change recorded over the past few decades is significant. The standardisation of

procedures, the adoption of ISO standards, the development of resources, the increased professionalism of civil servants, and the development of skills and expertise demanded by the complexity of the problems to be dealt with, especially in the context of conducting projects co-funded by the European Union, have allowed local government employees to take on responsibilities regarding the development and future of their regional and local authorities.

## 2. The legal framework of the training of local government employees in Czech Republic and Slovakia

There were no decentralised regional and local authorities under the communist regime in the Czechoslovakia. As such, the question of the status of local government employees was never raised, as the regime rejected the existence of free regional and

local authorities on principle. Legal frameworks for the training of local government employees are therefore relatively new. Although legislating in these two countries quickly recognised the principles of local autonomy, aspects relating to the training of local government employees emerged more slowly. However, article 6 of the European Charter of Local Self-Government, ratified by this two countries, provides that *“the conditions of service of local government employees shall be such as to permit the recruitment of high-quality staff on the basis of merit and competence; to this end adequate training opportunities, remuneration and career prospects shall be provided.”*

The legal frameworks implemented for the training of local elected representatives is different in Slovakia and Czech Republic, but it should be noted that the training of local government employees is now compulsory in this two countries.

**Table 1. Law rendering the training of local government employees compulsory**

	Law rendering the training of local government employees compulsory
Czech Republic	Law n°312/2002 of 1 January 2003
Slovakia	Employment law n° 311/2011

In Slovakia and Czech Republic legal mechanisms to protect local autonomy were adopted in the 1990s. The constitutions of these countries explicitly recognised this concept, but initially, as they neglected the aspects relating to human resources.

In Slovakia, the training of local government employees was not regulated until Employment law n°311/2001 of 2 July 2011. This law, which is very general in its scope as it applies to all public and private sector employees, features specific rules for local government employees. There is no standardised initial training system for local government employees in Slovakia. As with all employees, local government employees are subject to the Labour code, specifically law n°311 of 2001. Paragraph 47 of this law specifies the *“obligations incumbent on the employer”*:

*“By recruiting an employee, the employer is obliged to acquaint them with:*

- the work rules,
- the collective agreement,
- the legal regulations relating to work performed by him/her,
- the legal regulations and other regulations ensuring occupational safety and health,

*- the provisions on the principle of equal treatment.”*

As such, there is no specific law making initial training of local government employees compulsory, unlike state civil servants who must receive training in line with the law on public service n°400 of 2009. New proposals, which would likely change the entire education system and also introduce compulsory initial training of local government employees, have been being drafted for several years now.

On the other hand, local government employees exercising powers conferred by the state to regional and local authorities are obliged to complete the training provided by the ministries that organise specific training relating to the exercised powers. For local government employees exercising only the “specific” powers of the local authority, this authority is responsible for providing training pursuant to paragraph 47 of the aforementioned Labour code. These local government employees also have the option to undergo the training offered by Regional Training Centres (RTC). In practice, local government employees are trained in these specialised centres in 90% of cases.

In Slovakia, the law n° 311 of 2001, which is very general in scope as it applies to all workers, therefore relates to local government employees, including in terms of continuous training. Paragraph 153 of this law provides that: “*The employer must contribute to the further qualification of their employees or its increase. The employer shall negotiate with the employee representatives measures aimed at improving their qualification, their further progress and their development*”.

Article 54 of this law provides that “*the employee is obliged to systematically improving their qualifications for performing the tasks included in their employment contract.*” As such, the employer has the right to oblige the employee to take part in continuous training. During this training, employees receive their usual salaries. Under law n°311/2001 of 2 July 2001 which applies to all civil servants, territorial public service employees, like their colleagues in state public service, are entitled to five training days per year.

In the Czech Republic, law n°312/2002, which entered into force on 1 January 2003, acts as a framework for the training of local government employees but only applies to administrative officers in local authorities (“*úředníci*” in Czech). The training of other local government employees is covered by the more general provisions of the Labour code. Czech legislation also makes an important distinction between specialised and non-specialised regional and local authority officers. All regional and local authority officers must undergo initial “basic” training, which is compulsory but does not end with any accreditation of the skills acquired, Interior Ministry regulation n°512/2002 features a list of specialised regional and local authority officers who must sit an examination certifying their specific skills (“*zvláštní odborná způsobilost*” in Czech) within eighteen months from when they take up their post. Preparation for this examination is not legally required, but it is nevertheless highly recommended. In fact, it is an integral part of the initial training for

“specialised” officers. The local authority will only continue to pay the local government employee during this preparation if it is undertaken at the Institute for Public Administration in Prague or another accredited organisation. The local government employee can also take a week of unpaid leave to prepare for the examination.

## Conclusion

The success of decentralisation in Slovakia and the Czech Republic will require the modernisation and valuing of its essential servants and promotes local government employees. Economic theory states that work is the human activity performed by the person for the reward, however, the values created by the work have economic, cultural and moral character (Novackova et al, 2015). The strengthening of skill-recognition systems enabling genuine, merit-based career development would help combat cronyism and nepotism, culturally accepted all-too-regularly accepted on a local level, and make regional and local public service more attractive. Currently, qualified young people generally prefer to work in the private sector, where the skills they have acquired are more highly valued and their career development prospects are less uncertain. It is the low salary level in particular that explains the public sector’s lack of appeal. All too often, institutional legacy forces young employees to conform to outdated operating methods. New recruits to regional and local authorities are often unknowingly joining a cultural legacy of subordination by the regional or local authority to central state. Finally, local government employees in Slovakia and the Czech Republic are the “victims” of several decades of administrative centralism in Central Europe. The training of local public officials is a challenge facing these two countries, with their numerous municipalities and lack of human resources with the adequate training to best implement their potentially vast powers.

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### Contact

Frédéric Delaneuville, PhD.  
 Faculty of management  
 Comenius University  
 Odbojarov 10  
 Bratislava  
 e-mail: frederic.delaneuville@fm.uniba.sk