

2024

# WORKATION IN: THE CZECH REPUBLIC

Overview of Mandatory Employee Protection Law



## Workation in: The Czech Republic – Overview of mandatory employee protection law

In a connected world, mobile delivery of work performance is becoming increasingly more common. The most popular phenomenon here is probably the so-called "workation". When employers allow work from abroad, it is not uncommon for mandatory employee regulations to be ignored, regularly unintentionally and out of lack of knowledge.

However, according to Art. 9 (1) Rome I Regulation, these must be taken into account. Usually, this concerns personal occupational health and safety law enacted in the public interest for reasons of public welfare.

When allowing an employee to work temporary in **the Czech Republic**, the following Czech mandatory regulations are to be observed by any employer based in an EU member state regardless of the applicable laws in that state and any contractual choices of law.

The following list is only intended as an overview and cannot replace a specific case assessment.

### 1. Minimum wage

In the Czech Republic, the minimum wage is regulated by the Act No. 262/2006 Coll., the Labour Code, as amended (the „Labour Code“), along with the implementing regulation - the Government Decree No. 567/2006 Coll., as amended (the „Government Decree“). Currently, in case of 40 hour working week the minimum wage is generally in the amount of CZK 18,900 per month or CZK 112.50 per hour. However, the amount may be higher depending on the class of work/industry (set out in the Government Decree). Also, if the employees work in a difficult working environment, they are entitled to an additional payment/charge (§ 7 of the Government Decree).

### 2. Minimum paid leave

In the Czech Republic, the minimum paid leave is regulated by the Labour Code (§ 212 et seq.). In case of 40 hour working week, the minimum paid leave is generally in the amount of 4 weeks in the calendar year. However, depending on the job and a type of employer, the period may be longer, e.g. state employees are entitled to 5 weeks of paid leave; teachers are entitled to 8 weeks of paid leave etc. If an employee works less than 40 hours a week, their paid leave is accordingly reduced. In case of work that is particularly difficult or harmful to health, the employee is also entitled to an additional amount of paid leave.

### 3. Public holidays

The Labour Code (§ 91 et seq.) and the Act No. 245/2000 Coll. defines public holidays and other holidays as work-free, when an employer may order an employee to work only in exceptional cases (only specific types of work, e.g. an urgent repair work, work in the transport sector etc.).

<b>Name</b>	<b>Date</b>	<b>Scope of application</b>
<b>New Year + Restoration Day of the Independent Czech State (<i>Nový rok + Den obnovy samostatného českého státu</i>)</b>	January 1st	nationwide
<b>Good Friday (<i>Velký pátek</i>)</b>	Friday before Easter	nationwide
<b>Easter Monday (<i>Velikonoční pondělí</i>)</b>	Monday after Easter	nationwide
<b>Labour Day (<i>svátek práce</i>)</b>	May 1st	nationwide
<b>Victory Day (<i>Den vítězství</i>)</b>	May 8th	nationwide
<b>Saints Cyrils &amp; Methodius Day (<i>Den slovanských věrozvěstů Cyrila a Metoděje</i>)</b>	July 5th	nationwide
<b>Jan Hus Day (<i>Den upálení mistra Jana Husa</i>)</b>	July 6th	nationwide
<b>Statehood Day (<i>Den české státnosti</i>)</b>	September 28th	nationwide
<b>Independent Czechoslovak State Day (<i>Den vzniku samostatného československého státu</i>)</b>	October 28th	nationwide
<b>International Student Day and Struggle for Freedom and Democracy Day (<i>Den boje za svobodu a demokracii a Mezinárodní den studentstva</i>)</b>	November 17th	nationwide
<b>Christmas day (<i>Štědrý den</i>)</b>	December 24th	nationwide
<b>First Christmas Holiday (<i>První svátek Vánoční</i>)</b>	December 25th	nationwide
<b>Second Christmas Holiday (<i>Druhý svátek Vánoční</i>)</b>	December 26th	nationwide

- 4. Maximum working time** According to § 79 of the Labour Code, the duration of the weekly working time is 40 hours per week. This period is shorter (37,5 – 38,75 hours per week) for employees who work underground in coal mining, within multi-shift or permanent working arrangements etc. Working hours shall usually be arranged in a five-day working week. Meal and rest breaks (at least 30 minutes) are not included in working time. In general, working time amounts to 8 hours a day for 5 days a week. However, exceptionally, an employer may order an overtime work, which shall not exceed 8 hours per week and 150 hours per calendar year (§ 93 of the Labour Code). More hours may be required by an employer only upon a mutual agreement with the employee. The total amount of overtime work shall not exceed on average of 8 hours per week within a period which does not exceed 26 consecutive weeks (only a collective agreement may limit this period to a maximum of 52 consecutive weeks).
- 5. Minimum rest periods** According to § 90 of the Labour Code, an employee is entitled to at least 11 hours of continuous rest between the end of one shift and the beginning of another. Such minimum rest period may be reduced up to 8 hours within 24 consecutive hours but only to an employee, who is older than 18 years old, and only in certain types of work (e.g. agriculture, provision of services to the public etc.) and also under the condition that the following rest period of such employee will be extended by the period of the reduction of previous rest period.
- 6. Occupational safety laws** In the Czech Republic, occupational safety and health (OSH) is regulated by many laws and decrees. However, the most important law in terms of OSH is the Labour Code, which sets out the basic requirements regarding the relationship between an employee and employer. Another key regulations is the Act No. 309/2006 Coll., on ensuring other OSH conditions. The OSH area is further regulated by other laws, regulations and ordinances that focus on specific activities and actions in the organisation, e.g. Act No. 350/2011 Coll., the chemical law, the Government Decree No. 390/2021 Coll., on more detailed conditions for the provision of personal protective equipment, washing, cleaning and disinfecting agents etc., and many others.
- 7. Maternity Protection provisions** In relation to childbirth and the care of the newborn child, woman employee is entitled to a maternity and parental leave. A female employee (mother) is entitled to maternity leave for the period of 28 weeks (in case of twins or multiple children, it is 37 weeks; in case the child was delivered stillborn, it is 14 weeks). A female employee may commence her maternity leave from the beginning of the sixth week prior to the expected birth date, however no earlier than from the beginning of the eighth week before that date. An employer is required to provide parental leave to a female employee and male

employee upon their request. The duration of the parental leave depends on the decision of the employee, maximum up to 3 years of age of the child. An employee who returns to work after maternity or parental leave must be assigned to a job according to their employment contract.

The Decree No. 180/2015 Coll., on works and workplaces that are hazardous to pregnant employees or to breastfeeding employees and employees - mothers up to the end of the ninth month after the birth, sets out certain works and workplaces that such a group cannot perform. In such cases, the employer is required to transfer the female employee temporarily to a job that is suitable for her and that allows her to generate the same earnings as from her current job (§ 239 of the Labour Code).

The employment may not be terminated while the female employee is pregnant or on maternity leave, while the male employee is on paternity leave or while the employee is on parental leave (§53 of the Labour Code). An employer is prohibited to schedule pregnant women for any overtime work (§ 241 of the Labour Code). Pregnant employees and employees caring for children up to the age of 8 may be sent on a business trip outside the municipality of their workplace or residence only with their consent (§ 240 of the Labour Code). Employees who breastfeed are entitled to an extra breaks for breastfeeding (§ 242 of the Labour Code).

## **8. Protection of young people at work**

Only persons between the ages of 15 and 18 who have completed compulsory schooling may be employed (§ 34 of The Act No. 89/2012 Coll., the Civil Code).

According to § 243 et seq. of the Labour Code, in general there is an obligation of employers to create favourable conditions in terms of development of adolescent employees. The type of work of adolescent employees must be adequate to their development.

It is prohibited to order adolescent employees to work overtime at nights (only exception is for an employee over 16 y.o. under the condition that the overtime work is in the period of 1 hour and it is necessary for their vocational education and under the supervision of an adult employee, if necessary). There is a list of works which are prohibited for an adolescent employee (work underground etc.). There is a mandatory medical examination of an adolescent employee before the commencing employment and during the employment (at least once a year).

The length of a shift of an adolescent employee may not exceed 8 hours on individual days, and in case of multiple employment relationships of the employee, the weekly working time may not exceed 40 hours per week in aggregate (§ 79a of the Labour Code). The employer is obliged to provide the adolescent employee with a meal and rest break of at least 30 minutes after 4.5 hours of continuous work (§ 88(1) of the Labour Code). The adolescent employee must have at least 12 hours of continuous rest within 24

consecutive hours between the end of one shift and the beginning of the next shift (§90 of the Labour Code).

## **9. Anti-discrimination provisions**

Employees working in the Czech Republic are protected by the EU anti-discrimination provisions, as well as by the corresponding Czech regulation. According to the § 16 of the Labour Code, employers are obliged to ensure equal treatment of all employees with regard to their working conditions, remuneration for work and the provision of other monetary benefits and benefits of monetary value, training and the opportunity to achieve promotion or other advancement in employment. Discrimination of any kind is prohibited in employment relations, in particular on the grounds of sex, gender, sexual orientation, racial or ethnic origin, nationality, citizenship etc.

Differential treatment shall not be deemed to be discrimination if it is clear from the nature of the work activities that such differential treatment is an essential requirement for the performance of the work; the purpose pursued by such an exception must be legitimate and the requirement proportionate. Nor shall measures which are justified in order to prevent or compensate for disadvantages arising from a natural person's membership of a group defined by one of the grounds listed in the Anti-Discrimination Act be regarded as discrimination.

Legal means of protection against discrimination in employment relations are set by the Act No. 198/2009 Coll., the Anti-Discrimination Act.

## **10. Reporting obligations to authorities when taking up work**

In general, an employer must report a new employee to the relevant social security office and to the employee's health insurance company within 8 days of starting work.

If the employee is a foreigner (EU/EEA and Swiss nationals or their family members), they do not need a work permit, employment card, blue card or intra-corporate transfer card to work in the Czech Republic. However, an employer must inform the relevant regional office of the Labour Office in writing no later than the day of the start of employment of such foreigner (§87 of the Act No. 435/2004 Coll., the Employment Act). An employer must also inform the regional office of the Labour Office of the termination of the foreigner's employment no later than 10 days after the termination of employment.

## **11. Miscellaneous**

For an overtime work, work during a public holiday, work at night, and for work in a difficult working environment and on Saturdays and Sundays, an employee is entitled to the salary to which he has become entitled during that period and a bonus payment (§ 114 et seq. of the Labour Code). The amount of bonus payment is determined by a certain percentage of average salary or minimum wage:

- overtime work – the bonus payment is 25 % of average salary or compensatory day off may be agreed between the employer and employee;
- work during a public holiday – compensatory day off or bonus payment at least in the amount of the average salary;
- work at night – the bonus payment is 10 % of average salary, unless different amount was agreed;
- work in a difficult working environment – the bonus payment is 10% of the amount of the minimum wage;
- work on Saturdays and Sundays - the bonus payment is 10 % of average salary, unless different amount was agreed.

Feel free to contact us if you have any questions about Czech labour law.

# CONTACT

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