


Legal Alert

in the field of labour law

15 September 2023

Weinhold Legal



This summer, HR and Compliance department employees certainly could not complain about the silly season. Autumn will not be any quieter either. Below, we summarize the changes you shouldn't miss this summer and what changes the fall of 2023 will bring.

Change to the Labour Code

On 12 September 2023, the Chamber of Deputies approved a transposing amendment to Act No. 262/2006 Coll., the Labour Code (hereinafter referred to as the "**Labour Code**" or "**LC**") and other acts (hereinafter referred to as the "**Amendment**"), in the original version adopted by the Chamber of Deputies; the Senate amendments were rejected. We reported in more detail on the forthcoming Amendment in our April [Legal Alert on labour law](#).

It will enter into force **on the first day of the calendar month following the date of its promulgation**, i.e., if the law is published in the Collection of Laws in **September, it will enter into force on 1 October 2023**. If the law is not published in the Collection of Laws until **October**, the Amendment will not enter into force until **1 November 2023**.

Over and above the information we provided you with in April, additional agreed overtime work for health professionals has been included in the Labour Code.

Other agreed overtime work in the healthcare sector (Section 93a of the Labour Code as amended by the Amendment)

In **round-the-clock operations** connected with the provision of health services by an **inpatient care** provider or an **ambulance service** provider, it will be possible to agree with health care workers (doctors, pharmacists and non-medical health care personnel working in round-the-clock operations) additional agreed overtime work beyond that provided for in Section 93 of the Labour Code to a maximum of **8 hours per week and, in the case of ambulance service employees, an average of 12 hours per week over a period of up to 26 consecutive weeks; or 52 weeks, if agreed in the collective agreement**. In real terms, this means up to 832 hours of overtime per year, and as much as 1 040 hours for paramedics.

The employer will have to report the use of additional agreed overtime work to the labour inspectorate and keep a list of all employees who will perform this work.

The agreement will have to be agreed in writing, not within the first 12 weeks of the date of employment, and not for a period longer than 52 weeks - with the possibility of immediate termination without giving reasons within 12 weeks of agreement. It will also be terminable

without giving reasons with two months' notice, unless a shorter notice period is agreed, which is the same for both employer and employee.

What to prepare for and check in relation to the Amendment - from the employer's side it is recommended to:

- ▶ In the case of the electronic conclusion of agreements and contracts in employment relationships, have written information from the employee about the **employee's electronic address**, which **is not in the employer's possession** (so that concluded agreements cannot be sent to the employee's work address). This should be a technical solution for electronic signatures that allows the identification of the persons acting, which should be demonstrable in the event of a dispute.
- ▶ **Update the employment documentation, including any information on the terms and conditions of employment** in accordance with the new wording of Section 37 of the Labour Code and the new Section 77a of the Labour Code (for agreements on work performed outside the employment relationship).
- ▶ If the time limit for providing information on the content of the employment relationship pursuant to Section 37(1) of the Labour Code as amended prior to the effective date of the Amendment has not yet expired, provide information on the content of the employment relationship to the extent provided for by the Amendment, unless the employment relationship was agreed for a shorter period than one month.
- ▶ If the information on the content of the employment relationship and the posting to perform work in the territory of another state was provided before the Amendment came into force, provide information on the terms of the employment relationship according to the new wording of Section 37 of the Labour Code and information provided during a posting abroad according to the new Section 37a of the Labour Code that exceeds 4 weeks, upon written request of the employee, within 7 days from the date of receipt of the request.
- ▶ Modify the agreements on work performed outside the employment relationship in accordance with the Amendment, including any time limit for familiarisation with the working time schedule if the parties wish to agree a time limit shorter than 3 days.
- ▶ Start scheduling the working hours of "contingent workers" and provide them with compensatory time off or pay in lieu of **holidays, extra pay for night work and work in difficult working environments, as well as extra pay for work on Saturdays and Sundays**.

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- ▶ Comply with the information obligation towards "contingent workers" in § 77a(1) or § 77b(1) and (2) of the Labour Code as amended by the Amendment.
- ▶ Mandatory negotiation of fixed-term and shorter working hours for employment relationships in writing.
- ▶ As of 1 January 2024, provide leave to "contingent workers" under similar conditions as salaried employees.
- ▶ Within 1 month of receipt of the request, provide the employee with a justified written response if I do not comply with the "contingent worker's" **written request for employment**. This is the case if his legal relationships based on agreements for work outside the employment relationship have lasted for a cumulative total of **at least 180 days in the preceding 12 months**. The employer will then be obliged to provide the employee with a reasoned written reply within 1 month of receipt of the request.
- ▶ Justify the termination of a contract for work outside the employment relationship if the employee has requested it.
- ▶ Give reasons in writing if the employer does not comply with requests from certain groups of employees for shorter working hours or other adjustments to working hours, reinstatement or partial reinstatement of the original working conditions, and requests for teleworking.
- ▶ Conclude a written agreement on the terms and conditions of teleworking within **1 month of the effective date of the Amendment**.
- ▶ If the employee has consented to the delivery of important documents via emails and other electronic means, properly inform the employee of the terms of delivery under the Amendment and have the new employee consent to such delivery.

Whistleblower Protection Act

On 1 August 2023, Act No. 171/2023 on the protection of whistleblowers came into force, which introduced a legal framework for the protection of whistleblowers who have submitted a notification containing information about a possible violation, and Act No. 172/2023 amending certain acts in connection with the adoption of the Whistleblower Protection Act.

Employers with 250 or more employees and others have been obliged to implement internal reporting systems since the law came into force.

Employers with 50 to 249 employees will have until **15 December 2023** to implement these systems. For more information, see our June [Employment Law Legal Alert](#) and the [Ministry of Justice](#) website.

Amendment to the Public Health Protection Act

The amendment to the Act on the Protection of Public Health, promulgated under No. 167/2023 Coll. with effect from 1 July 2023, abolished the obligation for natural persons carrying out epidemiologically serious activities (e.g. activities in catering services or food production etc.) to have a food and hygiene certificate.

Amendment to the Employment Act

In connection with changes to the Act on the Protection of Employees in the Event of Employer Insolvency, Act No. 125/2023 Coll. amended the Employment Act in the area of agency employment. In this context, the obligation for employment agencies to arrange guarantee insurance in the event of their insolvency was abolished.

As of 1 July 2023, the amendment made by Act No. 173/2023 Coll. has eased the conditions for the possibility of reporting a vacancy to the relevant regional branch of the Labour Office in the register of vacancies, which is a condition for the inclusion of a vacancy in the central register of vacancies to be filled by holders of a blue card or employee card. Prior to 1 July 2023, an employer who received a fine of even CZK 1,000 could not report a vacancy for 3 months after the legal validity of the decision imposing the fine, which caused a delay in the recruitment process of foreigners by at least 3 months. Newly, employers who have been fined CZK 50,000 or more for violation of labour law regulations will not be able to register vacancies for 3 months.

Changes to travel allowances

Decree No.191/2023 Coll. of the Ministry of Labour and Social Affairs of the Czech Republic amending Decree No.467/2022 Coll. on changing the rate of basic compensation for the use of road motor vehicles and meal allowances and on setting the average price of fuel for the purpose of providing travel allowances for 2023, with effect from 1 July 2023, reduced the average price for 1 litre of diesel fuel for the purpose of travel allowances from the original CZK 44.10 to CZK 34.40.

Forthcoming amendment to the Labour Code introducing

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liability in the subcontracting chain in the construction industry

The Ministry of Labour and Social Affairs has completed the comment procedure regarding the amendment to the Labour Code, which is to establish the conditions for construction companies to be liable for certain wage claims of employees of all their subcontractors.

The proposed modification can be found [here](#).

Opinion of the CNB on the eligibility of payroll accountants to obtain a licence to provide payment services under the Payment Services Act ("PSA")

In August 2023, the Czech National Bank ("CNB") issued an [opinion](#) regarding the services of external payroll accountants for employers, which consist of "keeping funds for wages and relevant deductions in a payroll accountant's payment account, albeit opened by the payroll accountant with a money institution for each employer separately, from which wage payments and wage deductions are made". In the opinion of the CNB, "this activity requires a payment services licence to carry out the transfer of funds from a payment account under section 3(1)(c) or (d) of the PSA, or to remit funds under section 3(1)(f) of the PSA."

The information in this bulletin is presented based on our best belief and knowledge at the time this text was put into print. However, specific information relating to the topics covered in this bulletin should be consulted before any decision is made on the basis of it. At the same time, the information provided in this bulletin should not be construed as an exhaustive description of the relevant issues and all possible consequences, and should not be relied upon entirely in any decision-making process, nor should it be considered a substitute for specific legal advice that would be relevant to particular circumstances. Neither Weinhold Legal, Ltd. law firm nor any attorney listed as the author of this information shall be liable for any harm that may result from reliance on the information published herein. We further note that there may be differing legal opinions on some of the matters referred to in this bulletin due to ambiguity in the relevant provisions, and an interpretation other than ours may prevail in the future.

For further information, please contact the partner/manager with whom you are usually in contact.



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