



Mgr. et Mgr.

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**BRNO
EXPAT
CENTRE**

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Brno Expat Centre webinar:

Employment, rights and responsibilities

OUTLINE

TODAY'S TALK – 4 MAIN ISSUES

- **THE EMPLOYEE'S RIGHT TO SAFETY DURING THE SARS CoV-2 CRISIS**
- **WAGE COMPENSATION – OBSTACLES TO WORK**
- **TERMINATION OF AN EMPLOYMENT RELATIONSHIP**
- **EMERGENCY ASSISTANCE AND OTHER SOCIAL BENEFITS**

CONTRACT vs. LABOUR CODE

- This talk – general information contained, in particular, in the Act No. 262/2006 Coll., the Labour Code (zákon č. 262/2006 Sb., zákoník práce)
- Your contract of employment – priority
- Non-discrimination principle – treating foreigners equally to Czech employees in Covid19-related cases
- Future employees from abroad

THE EMPLOYEE'S RIGHT TO SAFETY

- **RIGHT TO OCCUPATIONAL SAFETY**
 - Right to refuse to do work posing direct and significant threat to own life and the lives of others – non-standard situation, assessed individually
 - The right and obligation to participate in the creation of a safe and healthy working environment
- **WORKING FROM HOME**
 - Only if mutually agreed
 - Possible during quarantine in certain cases

RESTRICTIONS IMPOSED BY THE EMPLOYER

- Wearing face masks – regulated by the Government Decree No. 106/2020 (obligatory everywhere outside your home, incl. workplace)
- Other restrictions and hygienic rules – obligation to follow them for the employee, obligation to secure safety for the employer – higher hygienic and cleaning standards, use of disinfectant, safety distance btw a customer and the employee, no business trips, meetings)

WORKING FROM HOME

- Can only be set-up if agreed upon both parties or allowed in a contract of employment
- Usual provisions for scheduling work do not apply (generally – the employee's responsibility)
- It is up to the employer to set up quality checks, rules on how to work from home and ways to submit the results of work
- The employee is obliged to comply with the employer's instructions as usual (being available for conference calls, being connected to the Internet, etc.)

OBSTACLES TO WORK

- **OBSTACLES TO WORK ON THE EMPLOYEE'S SIDE**
 - Quarantine – working from home possible, otherwise as usual sick leave (Sections 191, 192 LC)
 - Nursing – for parents and other carers (Section 191 LC + Section 39 of the Act No. 187/2006 Coll., on Sickness Insurance, Section 199 LC)
 - Locked down areas (Sections 191, 192 LC)
- **OBSTACLES TO WORK ON THE EMPLOYER'S SIDE**
 - Work not assigned due to a direct government action (Section 208 LC)
 - Work not assigned in case other employees cannot work (Section 208 LC)
 - Work not assigned due to problems with the supply of raw materials (Section 207, letter a) LC)
 - Work not assigned due to temporary drop in demand for products or services (Sections 208, 209/1 or 209/2 LC)

NURSING AID

- The employee is entitled to nursing aid during the whole effect of emergency measures (closed schools, quarantined child, etc.)
- Eligible - parents caring for a child up to **13 years old** and persons caring for handicapped individuals without age limit (191, 199 LC)
- It is allowed to take turns with other carers, each carer submits their own request
- The nursing payment amounts to 60% of the reduced daily assessment base - <https://www.mpsv.cz/web/cz/kalkulacka-davek-v-roce-2020> - amendment - increase to 80% of the reduced daily assessment base, until summer the latest
- The requests are submitted through the employer

OBSTACLES TO WORK ON THE EMPLOYER'S SIDE

- Work not assigned due to direct government action
 - Government decree or other direct government action
 - The employee is entitled to 100% wage compensation
 - The employer cannot reduce this amount
- Work not assigned due to lack of workers
 - Based on the employer's decision
 - The employee is entitled to 100% wage compensation

OBSTACLES TO WORK ON THE EMPLOYER'S SIDE

- Work not assigned due to problems with the supply of raw materials
 - Suppliers closed down or went out of business
 - The employer lacks the necessary inputs
 - The employee is entitled to 80% wage compensation
- Closure due to temporary drop in demand for products or services
 - Business lacks customers but was not closed directly due to a government action
 - The employee is entitled to 100% wage compensation
 - The employer may reduce the compensatory wage down to 60% if approved by the trade union, or else regulated by an internal regulation

OBSTACLES TO WORK ON THE EMPLOYER'S SIDE

- The **compensatory wage** in the amount of percentage of **average earnings** is received for the time spent not working
- **Regular wage** is still received for the time spend working
- If the wage is stipulated for in a **contract of employment**, the employer cannot reduce it unilaterally x **wage statement**
- Reduction of wage does not immediately affect the compensatory wage, as that is calculated from previous earnings

LEAVE TAKING vs. UNPAID LEAVE

Section 217 LC

- Scheduled by the employer in writing
- The employer shall inform the employee in writing at least 14 days in advance unless agreed upon differently
- **The employer cannot order unpaid leave**

TERMINATION OF AN EMPLOYMENT RELATIONSHIP

- Regular statutory limitations for termination of an employment relationship still apply
- The employer can apply dismissal reasons of Section 52 LC but notice period and severance pay provisions are in effect as usual
- The employer cannot terminate the employment relationship by an immediate termination unless the requirements specified in Section 55/1 LC are fulfilled (gross misconduct)
- Special circumstances, where instant dismissal is possible for the employment agency employees or the employees with a trial period
- Contracts for a fixed (definite) period of time

TERMINATION OF AN EMPLOYMENT RELATIONSHIP

- Severance pay (Section 67 LC) – based on length of employment relationship
 - If terminated for organizational reasons - Section 52 Subsection, letters a) to c):
 - 1x monthly average earnings for < 1 year
 - 2x monthly average earnings for 1 year to less than 2 years
 - 3x monthly average earnings for the minimum of 2 years

TERMINATION OF AGREEMENTS

- Termination of agreements on work performed outside an employment relationship (dohoda o provedení práce – agreement to complete a job; dohoda o pracovní činnosti – agreement to perform work, Sections 74 et seq. of the LC)
 - No severance pay
 - If not specifically agreed upon differently in the contract
 - Termination for any reason with 15-day notice period
 - Immediate termination – same rules as for immediate termination of regular employment relationship

ASISTANCE IN MATERIAL NEED & STATE SOCIAL SUPPORT

- **ASISTANCE IN MATERIAL NEED (POMOC V HMOTNÉ NOUZI)**
 - Allowance for living (příspěvek na živobytí)
 - Supplement for housing (doplatek na bydlení)
 - Extraordinary immediate assistance (mimořádná okamžitá pomoc)
- **STATE SOCIAL SUPPORT (STÁTNÍ SOCIÁLNÍ PODPORA)**
 - Child benefit (přídavek na dítě) - BEC
 - Parental benefit (rodičovský příspěvek) - BEC
 - Housing benefit (příspěvek na bydlení)
 - Birth grant (porodné)
 - Funeral grant (pohřebné)
- **English-speaking assistance Charita Celsus:**
<https://celsuz.cz/sluzby-pro-cizince/>

ASISTANCE IN MATERIAL NEED

- Immediate assistance for special circumstances
- Authority to apply: the Regional branch of the Labour Office of the Czech Republic
- Not all foreigners are eligible for it, it depends on their residence status in the Czech Republic
- Allowance for living
 - If the income of an individual or a family is insufficient
- Supplement for housing
 - For people entitled to housing benefit but their income is still insufficient to cover justified housing costs

ASISTANCE IN MATERIAL NEED

- Extraordinary immediate assistance
 - For immediate, one-off help, situations that must be resolved immediately
 - Examples: a person does not have basic furniture, equipment for living, a person is a victim of a natural disaster
 - The sum provided depends on the grounds for providing it (natural disaster vs. basic furniture, equipment)

STATE SOCIAL SUPPORT

- Assistance for situation of long-term character
- Authority to apply: the Regional branch of the Labour Office of the Czech Republic

- Child benefit
- Parental benefit
- Housing benefit
- Birth grant
- Funeral grant

Thank you for watching us!

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