



# DECENT WORK CHECK **CZECH REPUBLIC** 2023

Iftikhar Ahmad

## WageIndicator Foundation - [www.wageindicator.org](http://www.wageindicator.org)

WageIndicator started in 2001 to contribute to a more transparent labour market for workers and employers by publishing easily accessible information on a website. It collects, compares and shares labour market information through online and face-to-face surveys and desk research. It publishes the collected information on national websites, thereby serving as an online library for wage information, labour law, and career advice, both for workers/employees and employers. The WageIndicator websites and related communication activities reach out to millions of people on a monthly basis. The WageIndicator concept is owned by the independent, non-profit WageIndicator Foundation, established in 2003. The Foundation has offices in Amsterdam (HQ), Ahmedabad, Bratislava, Buenos Aires, Cape Town, Islamabad and Venice.

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# TABLE OF CONTENTS

INTRODUCTION .....	1
MAJOR LEGISLATION ON EMPLOYMENT AND LABOUR.....	2
01/13 WORK & WAGES .....	3
02/13 COMPENSATION.....	6
03/13 ANNUAL LEAVE & HOLIDAYS .....	9
04/13 EMPLOYMENT SECURITY .....	12
05/13 FAMILY RESPONSIBILITIES.....	16
06/13 MATERNITY & WORK .....	19
07/13 HEALTH & SAFETY .....	22
08/13 SICK LEAVE & EMPLOYMENT INJURY BENEFIT .....	25
09/13 SOCIAL SECURITY .....	29
10/13 FAIR TREATMENT .....	33
11/13 MINORS & YOUTH .....	36
12/13 FORCED LABOUR.....	39
13/13 TRADE UNION.....	41
QUESTIONNAIRE.....	44

# INTRODUCTION

Decent Work is the type of work to which all of us aspire. It is done under conditions where people are gainfully employed (and there exist adequate income and employment opportunities); the social protection system (labour protection and social security) is fully developed and accessible to all; social dialogue and tripartism are promoted and encouraged; and rights at work, as specified in ILO Declaration on Fundamental Principles and Rights at Work and Core ILO Conventions, are practised, promoted and respected.

WageIndicator Foundation has been working since late 2007 to raise awareness of workplace rights through a unique tool, i.e., Decent Work Check. The Decent Work Check considers different work aspects deemed necessary in attaining “decent work”. The work makes the abstract Conventions and legal texts tangible and measurable in practice.

The Decent Work Check employs a double comparison system. It first compares national laws with international labour standards and scores the national regulations (happy or sad face). If national regulations in a country are not consistent with ILO conventions, it receives a sad face, and its score decreases (and vice versa). It then allows workers to compare their on-ground situation with national regulations. Finally, workers can compare their personal score with the national score and see whether their working conditions are consistent with national and international labour standards. The Check is based on de jure labour provisions, as found in the labour legislation.

A Decent Work Check is beneficial both for employees and employers. It gives them knowledge, which is the first step towards any improvement. It informs employees of their rights at the workplace while simultaneously enlightening employers about their obligations. Decent Work Check is also helpful for researchers, labour rights organisations conducting surveys on the situation of rights at work and the general public wanting to know more about the world of work. For example, WageIndicator teams worldwide have found out that workers, small employers and even labour inspectors are not, sometimes, fully aware of the labour law. When you are informed – being a worker, self-employed, employee, employer, policymaker, or labour inspector – there is a greater possibility that you ask for your rights (as a worker), you comply with rules (as an employer), and you strive to enforce these (as a labour inspector).

The work is relevant to the challenges posed to the future of work, especially the effective enforcement of legislation in financially constrained states, a rise in precarious employment and analysing the impact of regulatory regimes.

In 2023, the team aims to include at least 12 more countries, thus taking the number of countries with a Decent Work Check to 125!

# MAJOR LEGISLATION ON EMPLOYMENT AND LABOUR

1. Ordinance No. 567/2006 on minimum salary
2. Labour Code No. 262/2006
3. Working Hours Act, 1996 (last amended in 2014)
4. Public Holidays Act, No. 245/2000 Coll.
5. Act No. 187/2006 Coll. on Sickness Insurance
6. Act on Further Requirements on Occupational Health and Safety 309/2006 Coll.
7. Labour Inspection Act 251/2005
8. Sickness Insurance Act No. 187/2006
9. Health Insurance Act (Act No. 189/2006 Coll.
10. Employment Act No. 435/2004, last amended in 2015
11. Pension Insurance Act No. 155/1995
12. Charter of Fundamental Rights and Basic Freedoms from Czech Constitution
13. Equal Treatment and Prohibition of Discrimination Act No. 198/2009 Coll.
14. Criminal Code 40/2009, last amended in 2015
15. New Civil Code (No. 89/2012)

# 01/13 WORK & WAGES

## **ILO Conventions**

Minimum wage: Convention 131 (1970)

Regular pay & wage protection: Conventions 95 (1949) and 117(1962)

**Czech Republic has ratified the Convention 95 only.**

### ***Summary of Provisions under ILO Conventions***

The minimum wage must cover the living expenses of the employee and his/her family members. Moreover, it must relate reasonably to the general level of wages earned and the living standard of other social groups. Wages must be paid regularly on a daily, weekly, fortnightly or monthly basis.

## Regulations on work and wages:

- Ordinance No. 567/2006 on minimum salary
- Labour Code No. 262/2006

## Minimum Wage

Minimum wage is the minimum permissible amount of remuneration for work performed within a basic labour relationship. The Government sets the national minimum wage rates through an official decree keeping in view the cost of living and level of development of wages in the country and in consultation with the representative worker and employer organizations. The law guarantees minimum wage in eight groups according to the complexity, responsibility and difficulty of work performed. The lowest rate, which corresponds to Group 01, is the reference level for the basic national minimum wage. The eight groups are then further divided in 16 grades and every group includes two grades.

Minimum wage is also different for different age groups and for workers with different social conditions (disability). Employees aged 15-18 years are entitled to 80% of the basic minimum wage rate. Employees aged between 18-21 years are entitled to 90% of the basic minimum wage rate for a six-month period from the day when the employment relationship commenced. It is relevant to note here that these provisions have been repealed with effect from 2013 and now there is no difference in remuneration on the ground of a worker's age. Equal pay for equal work is also guaranteed under the Labour Code.

Government Regulation No. 561/2004 stipulates allowances for apprentices. The

minimum amount of allowance is 30% of the minimum wage for an adult worker while there is no limit on the maximum. The level of allowance also depends on a worker's productivity and there are no deductions from this allowance.

An employee who receives a disability pension is entitled to 75% of the minimum wage rate. An employee who receives the total disability pension or who is juvenile and has total disability but does not collect the disability pension is entitled to 50% of the minimum wage rate.

Compliance with the provisions of Labour Code including those on minimum wage is ensured by the Labour Inspectorate. Sections 13 and 26 of the Labour Inspection Act lay down misdemeanours and administrative offences concerning remuneration. Depending on seriousness of offence, the Act imposes penalties ranging from CZK 500,000 to CZK 1,000,000 (or the maximum penalty of CZK 2,000,000). The most serious breaches are considered to be the failure to pay wage, salary or remuneration pursuant to an agreement, unauthorised wage deductions, etc. Workers can directly file a complaint with the Labour Inspection Office or through trade union.

**Sources:** §111-112 of Labour Code No. 262/2006; Ordinance No. 567/2006 on minimum salary, minimum level of guaranteed salary, on determination of hazardous work environments and on salary supplement for work in hazardous work environments amended by Regulation 246/2012; §122 of the Education Law (561/2004); §13 and 26 of the Labour Inspection Act (No. 251/2005)

For updated minimum wage, kindly refer to the section on Minimum Wages

## Regular Pay

In accordance with art. 141 of Labour Code, the wage for the work done must be paid in the month following the month in which an employee's entitlement to wages or salary arose. The pay period is set as one month in labour Code however it does not require the employer to pay wages by a certain date. The Labour Code rather requires that a regular pay-day for wages/salary payment must be agreed between the parties. The Labour Code also requires that wages must be paid to the employee in legal tender, at the workplace and within working hours.

**Source:** §141, 142 of Labour Code No. 262/2006



# 02/13 COMPENSATION

## ILO Conventions

Compensation overtime: Convention 01 (1919)

Night work: Convention 171 (1990)

**Czech Republic has ratified both the Conventions 01 and 171.**

### *Summary of Provisions under ILO Conventions*

Working overtime is to be avoided. Whenever it is unavoidable, extra compensation is at stake - minimally the basic hourly wage plus all additional benefits you are entitled to. In accordance with ILO Convention 1, overtime pay rate should not be less than one and a quarter time (125%) the regular rate.

Night work means all work which is performed during a period of not less than seven (07) consecutive hours, including the interval from midnight to 5 a.m. A night worker is a worker whose work requires performance of a substantial number of hours of night work which exceeds a specified limit (at least 3 hours). Convention 171 requires that night workers be compensated with reduced working time or higher pay or similar benefits. Similar provisions are found in the Night Work Recommendation No. 178 of 1990.

If a worker has to work on a national/religious holiday or a weekly rest day, he/she should be entitled to compensation. Not necessarily in the same week, provided that the right to a paid compensation is not.

If a worker has to work during the weekend, he/she should thereby acquire the right to a rest period of 24 uninterrupted hours instead. Not necessarily in the weekend, but at least in the course of the following week. Similarly, if a worker has to work on a public holiday, he/she must be given a compensatory holiday. A higher rate of pay for working on a public holiday or a weekly rest day does not take away the right to a holiday/ rest.

## Regulations on compensation:

- Working Hours Act, 1996 (last amended in 2014)

## Overtime Compensation

Maximum working hours are 40 hours a week. The maximum length of a shift may not exceed 12 hours. The usual daily working hours are 8 hours a day for five-day working week.

The weekly working hours may not exceed:

- 37.5 hours for workers working underground in the extraction of coal, ore or non-ore minerals, in mining construction and at geological exploration mining facilities;
- 37.5 hours for worker working in three-shift and uninterrupted working regimes; and
- 38.75 hours for workers working in two shift regimes

An employer may use even or uneven distribution/allocation of working in a week. In the uneven distribution of working hours, the average weekly hours don't exceed 40 hours a week during a 26-week period. However, the collective agreement may extend this period from 26 weeks to 52 weeks.

Workers may be required to work overtime in exceptional circumstances due to serious operational reasons. The Labour Code specifies that a worker may not be ordered to do more than 8 hours of overtime work in a week and 150 hours within a calendar year. The overtime work may not exceed 8 hours a week on average during a 26-week period. A collective agreement may extend

this period to 52 weeks. Additional overtime may be agreed in health care activities.

A worker who performs overtime work is entitled to:

- either compensation at 125% of the normal wage rate; or
- compensatory rest for hours of overtime work (at the choice of worker)

If an employer does not provide compensatory time-off/rest within a period of three months after performance of overtime work or within another agreed time period, the employee is entitled to compensation at 125% of the normal wage rate for overtime hours.

**Source:** §78, 79, 81, 83, 93 and 114 of Labour Code No. 262/2006

## Night Work Compensation

Work performed between 22:00 hours and 06:00 hours is considered night work. Night worker is an employee who works at least 3 hours of his working time within 24 working hours at least once a week during night hours. The Labour Code further requires that a night worker may not work for more than 8 hours within 24 hours. Workers are entitled to a premium rate of at least 110% of normal wage rate for working during hours.

**Source:** §78, 94 and 116 of Labour Code No. 262/2006

## Compensatory Holidays / Rest Days

There is no provision for compensatory rest day when workers have to perform work on weekly rest days. However, the Labour Code provides for a compensatory time off

as an option to the worker who works on a public holiday. This compensatory time off must be provided latest by end of the third month after an employee's performance on a public holiday or within another agreed time period. Such compensatory time off or rest day is a paid day and workers are paid wages in the amount of their average earnings.

**Source:** Art. 115 of Labour Code No. 262/2006

## Weekend / Public Holiday Work Compensation

There is a premium pay for working on Weekly rest day/Sunday and Public Holidays. When a worker performs work on weekly rest day, he is entitled to a minimum of at least 110% of his average earnings for hours of work on Saturday and/or Sunday. The Labour Code also allows to agree another amount and another method of calculating premium.

If a worker works on public holiday, he is entitled to 200% of the normal wage rate for the day. However, workers have the option to get compensatory time off/rest instead of premium pay for working on public holiday.

**Source:** §115 & 118 of Labour Code No. 262/2006

# 03/13 ANNUAL LEAVE & HOLIDAYS

## **ILO Conventions**

Convention 132 (1970) on Holidays with Pay Convention  
Conventions 14 (1921), 47 (1935) and 106 (1957) for weekly rest days.  
In addition, for several industries, different Conventions apply.

**Czech Republic has ratified the Conventions 14 and 132 only.**

### ***Summary of Provisions under ILO Conventions***

An employee is entitled to at least 21 consecutive days of paid annual leave. National and religious holidays are not included. Collective agreements must provide at least one day of annual leave on full remuneration for every 17 days on which the employee worked or was entitled to be paid.

A worker should be entitled to paid leave during national and officially recognized public holidays.

Workers should enjoy a rest period of at least twenty-four consecutive hours in every 7-day period, i.e., a week

## Regulations on annual leave and holidays:

- Labour Code No. 262/2006
- Public Holidays Act, No. 245/2000 Coll.

## Paid Vacation / Annual Leave

Workers are entitled to paid annual leave or its proportional part when they have performed work for the same employer for at least 60 days in one calendar year. The length of annual leave varies for different sectors. It is:

- 4 weeks for workers in the private sector;
- 5 weeks for workers who are not part of the private sector or engaged in non-commercial activities (civil servants);
- 5 weeks for workers who work for the same employer underground, extracting minerals or driving tunnels, or the employee who is engaged in a particularly hard/strenuous task (4 weeks + 1 week of supplementary leave)
- 8 weeks for teachers and academic staff of higher education institutions

An employee (working part time or who has not worked for full calendar year) is entitled to proportional part of annual leave for every month of his employment in the length of one-twelfth of annual leave. An employee is entitled to a payment in the amount of his/her average earnings while taking annual leave. The same length of annual leave is applicable to the adolescent workers (under 18). The annual leave, with effect from 01 January 2020, is five weeks for those workers who have not yet reached the age of 33 and who take care of a child permanently.

The 2017 Labour Code reform makes many changes in the procedure of annual leave however the length stays the same. Employees will now be entitled to additional leave only for the period in which they were engaged in underground and extremely demanding work. The Labour Code further allows for transferring the annual leave beyond legal minimum, i.e., 4 weeks (in the field of education and academia, the limit is set at 6 weeks) to the next year.

The new vacation concept has been introduced and slated to take effect as of January 2021. It maintains the basic minimum allotment of four weeks. The length of vacations is no longer linked to working days per week. The annual leave is now based on the weekly working hours. The duration of annual leave depicts the number of hours an employee worked during the year. The total duration of annual leave is calculated as a multiple of the basic amount of annual leave (4 weeks), the employee's set weekly working hours (40 hours) and the number of weeks the worker has been in employment in a calendar year. A worker who has worked a full year, working 40 hours per week, is entitled to 160 hours of annual leave. For those who have not worked for full year, they are entitled to annual leave on pro-rata basis. Annual leave is further increased on proportional basis for those workers who work for more than 40 hours per week. The annual leave can be reduced in proportion to the unexcused absence.

**Source:** §212-214, 217 & 222 of Labour Code No. 262/2006

## Pay on Public Holidays

Workers are entitled to paid holidays during Festival (public and religious) holidays. These include memorial holidays and religious holidays (Christian origin). The Public Holidays are usually twelve (12) in number. These Holidays are New Year's Day (January 01), Easter Monday (April 01), May Day (May 01), Liberation Day (May 08), Saints Cyril and Methodius Day (July 05), Jan Hus Day (July 06), Czech Statehood Day (September 28); Independence Day (October 28), Freedom and Democracy Day (November 17), Christmas Eve (December 24), Christmas Day (December 25) and Second Day of Christmas (December 26).

**Source:** §01 of the Public Holidays Act, No. 245/2000 Coll

## Weekly Rest Days

Weekly rest period is provided under the Labour Code. Every worker is entitled to enjoy a weekly rest/uninterrupted free time of at least 35 hours within a seven-day period. If the company operations so allow, the uninterrupted rest period will be the same day for all employees and will include Sunday. The weekly rest period may be reduced to at least 24 hours if these employees are granted compensatory uninterrupted rest period at least 70 hours within a two-week period.

Labour Code has provisions on the rest breaks. Employers are required to allow their employees to take a meal and rest break of at least 30 minutes after maximum of six hours of continuous work. The break may be divided into parts, one of which at least must have a duration of 15 minutes, and cannot be included into working hours. For young workers (under 18), the rest

break of 30 minutes must be provided after maximum of four and a half hours of work.

Earlier the Labour Code required an uninterrupted break of at least 12 hours between the end of one shift and the start of the next shift. However, under the Labour Code reform effective from April 2017, the concept of uninterrupted rest between two shifts is replaced by the concept of uninterrupted daily rest. The daily rest period is 11 hours for adults and 12 hours for workers under the age of 18 years.

**Source:** §88, 90 and 92 of Labour Code No. 262/2006

# 04/13 EMPLOYMENT SECURITY

## ILO Conventions

Convention 158 (1982) on employment termination

**Czech Republic has not ratified the Convention 158.**

### *Summary of Provisions under ILO Convention*

The questions under this section measure the security or even flexibility or precariousness of an employment relationship. Although these are not clearly mentioned in a single convention (severance pay and notice requirement are provided in the Termination of Employment Convention No. 158) however, the best practices in the field require that employees be provided with a written contract of employment; workers on fixed term contracts should not be hired for tasks of permanent nature; a reasonable probation period (ideally lower than or equal to 6 months) may be followed to assess the suitability of an employee; a period of notice must be specified in an employment contract before severing the employment relationship; and workers be paid severance allowance on termination of employment relationship.

A contract of employment may be oral or written however workers should be provided with a written statement of employment at the start of their employment.

Fixed Term Contract workers must not be hired for permanent tasks as it leads to precarious employment.

A reasonable probation period must be allowed to let a worker learn new skills. A newly hired employee may be fired during probation period without any negative consequences.

A reasonable notice period, depending on the length of service of an employee, may be required before an employer may sever the employment relationship.

Employers may be required to pay a severance allowance on termination of employment (due to redundancy or any other reason except for lack of capacity or misconduct).

## Regulations on employment security:

- Labour Code No. 262/2006

## Written Employment Particulars

An employment relationship is established by an employment contract between the employer and employee unless otherwise provided under the Labour Code. Employment arises as a consequence of employment agreement or appointment. In the private sector, the employment relationship is established through employment agreement because the appointment to an office is used only for the employment of state employees at the management level. Workers in the private sector are hired under an employment contract/agreement or "special agreement to complete a job" or "an agreement to perform work". The Czech Labour Code prohibits the oral contracts and requires that employment contract must be in writing. Employment contract may conclude for a fixed term or indefinite period/open-ended employment relationship.

An employer can be fined up to CZK 10 million for not concluding an employment contract in writing. The employment contract must have information on (i) the type of work for which employee is being hired; (ii) the place of work where employee will perform the work; and (iii) the date of commencement of employment.

Both worker and employer should receive one copy of the employment contract. If the employment contract does not include details of the rights and obligations arising from the employment relationship, the employer shall notify the worker in writing within one month of the commencement of

employment relationship. The employer also has to inform the employee in writing if there is a change in details. The written document must contain the following information:

- i. employee's full name and employer's designation and place if employer is a legal entity or the employer's full name and address if he is an individual;
- ii. the type of work/job title and place of work;
- iii. the length of annual leave;
- iv. the notice period for terminating an employment relationship;
- v. the weekly working hours and their distribution;
- vi. wage and salary details, pay-day and place and method of wage/salary payment; and
- vii. information on collective agreement regulation the employee's working conditions

If the period of employment contract is less than one month, employer is not under obligation to inform worker of his rights and responsibilities in written form.

**Source:** §30-37 of Labour Code No. 262/2006

## Fixed Term Contracts

Czech Labour Code allows hiring fixed term contract workers for tasks of permanent nature. The maximum length of a single fixed term contract is 3 years/36 months. The fixed term contract may be renewed twice. The maximum length of fixed term contract, after taking into account renewals, is 108 months.

Changes in Labour Code, effective from April 2017, create a new category of



employees, i.e., the top-level managerial employees who are either directly subordinate to the employer or directly subordinate to these high-level employees. Only those employees are considered top level managerial employees whose monthly wages are at least CZK75,000 per month. Normal working time rules are not applicable to these workers.

**Source:** §39 of Labour Code No. 262/2006

## Probation Period

Maximum duration of probationary/trial period is fixed as 3 consecutive months from the date when the employment relationship commences. The probationary period may be fixed as 6 consecutive months from the date of the commencement of employment relationship for managerial employees. A different trial period may be agreed in connection with appointment to a top managerial position in the public sector, e.g., head of government agency.

The agreed trial period may not be subsequently extended. The trial period, however, can be extended by the period if employee was not able to perform work due to some obstacle and availed leave of absence during the trial period. The length of trial period cannot be longer than the half of the duration of the employment contract. The probationary period must also be agreed in writing.

**Source:** §35 of Labour Code No. 262/2006

## Notice Requirement

Both the parties (employer and employee) are entitled to terminate the employment contract of an indefinite period by observing a minimum notification period.

An employment contract may be terminated by agreement; by notice of termination (it is dismissal when initiated by employer and it is resignation when initiated by employee); by immediate termination; and by termination within the trial period.

A fixed term employment contract terminates on the expiry of the agreed period. During the term of trial/probationary period, employment contract may be terminated by either party without stating a reason. The termination of employment relationship during the trial period must be made in writing.

Either party wishing to terminate the employment relationship should communicate it to the other party in writing. The minimum length of notice period is at least two months. The period may be extended by an agreement between the worker and employer in writing. The length of notice period is the same for worker and employer. An employer is also required to state reasons for terminating the contract while a worker may or may not state such reasons. The valid reasons for dismissal from employer side are related to worker's conduct, worker's capacity or economic reasons. There is no provision in the law allowing pay in lieu of two-month notice. An employer may terminate the employment relationship immediately without having to observe notice period if an employee has been sentenced for a wilful criminal offense to an imprisonment of six months (if offense committed during performance of work) or one year or due to the gross misconduct of the employee. An employee, similarly, may resign immediately if his health is not in good condition and he has submitted a medical certificate to the employer in this regard however employer has not transferred the

employee to some alternative suitable work within 15 days of the submission of certificate or if the employee has not been paid his wages/salary or compensatory wages/salary or a part thereof within 15 days of its maturity.

**Source:** §48-61 of Labour Code No. 262/2006

- v. (Sum of three times his average earnings [3 months) + amounts prescribed in points i-iii (1+2+3=6 months.)

**Source:** §52 & 67 of Labour Code No. 262/2006

## Severance Pay

There is no statutory severance except in the case of dismissal of an employee who is not allowed to perform work due to an industrial injury or occupational disease or threat of an occupational disease. Severance pay is not allowed if employment contract is terminated for the reasons of worker's capacity or conduct. In the case of industrial injury or occupational disease, worker is entitled to receive severance payment at least in the amount of 12 times his average earnings (12 months' wages).

Law also provides for redundancy payment if employment contract is terminated for economic reasons/redundancy. An employee is entitled to receive redundancy payment at least in the amount equal to:

- i. one month's wage if employment relationship has lasted for less than 1 year;
- ii. two months' wage if employment relationship has lasted for at least one year but less than 2 years;
- iii. three months' wage if employment relationship has lasted for at least 2 years; and
- iv. 9 months' wages if a worker is subject to working hours account and his employment contract is terminated

# 05/13 FAMILY RESPONSIBILITIES

## ILO Conventions

Convention 156: Workers with Family Responsibilities Convention (1981) Recommendation 165: Workers with Family Responsibilities (1981)

**Czech Republic has not ratified the Convention 156.**

### *Summary of Provisions under ILO Convention*

Paternity leave is for the new fathers around the time of childbirth and is usually of shorter duration.

Recommendation (No. 165) provides for parental leave as an option available to either parent to take long leave of absence (paid or unpaid) without resigning from work. Parental leave is usually taken once the maternity and paternity leave have been exhausted. For working parents, laws may define the portion of parental leave that has to be compulsorily taken by fathers or mothers.

Flexible Work Option for Parents / Work-Life Balance Recommendation 165 asks the employers to look into the measures for improving general working conditions through flexible work arrangements.

## Regulations on family responsibilities:

- Labour Code No. 262/2006

### Paternity Leave

There is no explicit provision in law entitling new fathers to take paternity leave. Fathers are however entitled to take parental leave from the date of the birth of the child until the child reaches three years of age. So, the parental leave actually includes short paternity leave for fathers. Read more under Parental Leave.

Earlier, there was no explicit provision on paternity leave however due to an amendment in the Sickness Insurance Act in 2017, applicable from February 2018, new fathers are now entitled to 7 days' paternity leave on the birth or adoption of a child (under the age of 7 years). The leave must be taken within 6 weeks of birth or adoption of a child. The paternity benefit is equal to 70% of the average daily covered earnings over the previous year (reduced daily basis of assessment per calendar day). A worker is eligible to paternity leave based on 270 days of covered employment during the period of two years prior to the commencement of such leave.

Since 2022, the paternity leave is raised to 14 days. From 1 December 2022, the paternity leave is also available to a father whose child was stillborn or died within 6 weeks of the date of birth.

**Source:** §38(a-d) of Act No. 187/2006 Coll. on Sickness Insurance;  
<https://www.cssz.cz/en/sickness-insurance/benefits-provided-under-sickness-insurance.htm>

### Parental Leave

Parental Leave is granted to male and female employees if they apply for it. It is granted at any time from the end of maternity leave (for mothers) or the date of birth of child (for fathers) until the child reaches the age of three years. A male employee can take the parental leave at the same time when a female employee takes maternity leave. Male and female employee can take parental leave at the same time. Parental Leave is individual entitlement however parental benefit is paid only to one of the parents. While on parental leave, an employee (male/female) is entitled to any wage compensation from the employer however parental allowance is paid under the State Social Support Act No. 117/1995 Coll. The parental allowance is paid till a child reaches the age of 4 years. The maximum amount that can be drawn under the parental allowance until the child reaches the age of 4 years is CZK 220,000. The maximum amount of parental allowance is 70% of the previous monthly earnings with a ceiling of CZK 11,500 per month if a parent uses 24-month option. If a parent opts for the benefit until a child is three years old, the benefit has a ceiling of CZK7,000 per month. The benefit is paid from general taxation.

**Source:** §196 of Labour Code No. 262/2006; Section 1-2 of State Social Support Act No. 117/1995 Coll;  
<http://www.mpsv.cz/en/1603>

### Flexible Work Option for Parents / Work-Life Balance

Labour Code provides the option of flexible working hours. Employees with children can also have flexible or part time schedule. While assigning employees to shifts, an

employer is also required to take into account the needs of female and male employees taking care of children. If a female employee is taking care of a child under 15 years of age or a pregnant employee or an employee (male or female) who takes care of a child who is partly or fully dependent on him/her requests the employer to let him/her work part time or request some other suitable adjustment to his/her weekly working hours, the employer is obliged to comply with such request unless he is prevented by serious operational reasons.

**Source:** §85 & 241 of Labour Code No. 262/2006

# 06/13 MATERNITY & WORK

## **ILO Conventions**

An earlier Convention (103 from 1952) prescribed at least 12 weeks maternity leave, 6 weeks before and 6 weeks after birth. However, a later convention (No. 183 from year 2000) requires that maternity leave be at least 14 weeks of which a period of six weeks compulsory leave should be after childbirth.

**Czech Republic has not ratified the Conventions 103 and 183.**

### ***Summary of Provisions under ILO Convention***

During pregnancy and maternity leave, a worker should be entitled to medical and midwife care without any additional cost.

During pregnancy and while breastfeeding, a worker should be exempt from work that might bring harm to you or your baby.

The total maternity leave should last at least 14 weeks.

During maternity leave, a worker's income should amount to at least two thirds of your preceding salary.

During pregnancy and maternity leave, a worker should be protected from dismissal or any other discriminatory treatment.

Workers have the right to return to same or equivalent position after availing maternity leave.

After childbirth and on re-joining work, a worker must be allowed paid nursing breaks for breast-feeding the child.

## Regulations on maternity and work:

- Labour Code No. 262/2006
- Act No. 187/2006 Coll. on Sickness Insurance

## Free Medical Care

All residents and those gainfully employed are eligible for medical benefits. The Health Insurance Act (Act No. 189/2006 Coll) regulates the provision of medical care. The expenses covered under the health insurance include diagnosis and medical care; preventive programs; supply of medication and therapeutic material; transportation of patients/costs; health and medical equipment and spa stays.

## No Harmful Work

An employer is required to inform female employees of the risk factors which can have adverse effect on foetus. Pregnant workers, breastfeeding employees and new mothers (until the child reaches the age of 9 months) must be made aware of any risks and their possible effects on pregnancy, breastfeeding or their health. Employer is further required to take necessary measures like the reduction of mental and physical fatigue/stress to protect female workers' health or their child's health.

Women cannot be employed by work which endangers their motherhood/maternity; the Ministry of Health set forth by a Decree the work and workplaces, where women who breast-feed, pregnant women and women before the end of the ninth month after giving birth are prohibited.

Pregnant woman cannot be employed by work which under the doctor's opinion could endanger her pregnancy for health

reasons which are related to her person. Same applies to women who breast-feed and mothers before the end of the ninth month after giving birth are prohibited.

The Labour Code also prohibits employing pregnant workers or those workers (male/female) taking care of a child under the age of one year for overtime work.

There is also a general provision in the Labour Code which requires an employer not to employ a worker to perform some prohibited type of work or such demanding work which is beyond the employee's capabilities and/or health condition.

**Source:** §103-a & h, 238 & 241 of Labour Code No. 262/2006

## Maternity Leave

Female employees are entitled to 196 days (28 weeks) of paid maternity leave. Of these 28 weeks leave, a female employee may start her maternity leave eight weeks before the expected date of birth and then take the remaining 20 weeks after child birth. It is obligatory to take 14 weeks leave including at least six weeks before birth. The leave before birth can't be greater than eight weeks. In the case of multiple births, maternity leave is 37 weeks.

**Source:** §195 of Labour Code No. 262/2006

## Income

During the term of maternity leave of 196 days/259 days (28 weeks/37 weeks in the case of multiple pregnancies), workers are paid 70% of their daily earnings (up to a maximum payment of CZK31,740 per month). It is paid by the Social Security Administration. The worker must have been

covered by the Social Security Administration and contributed to the sickness insurance scheme for at least 270 calendar days over the last two years before the date of starting leave to have the right to cash benefit.

**Source:** §32-38 & 84 of Act No. 187/2006 Coll. on Sickness Insurance

## Protection from Dismissals

A women worker can't be dismissed during the period of her pregnancy or during the term of her maternity or parental leave. Male employees also enjoy this protection during parental leave. Even in the case of organizational changes due to relocation, employers are prohibited from serving a termination notice to pregnant female employees, female employees on maternity leave, or male employees on parental leave taken within the period during which the female is entitled to be on maternity leave.

**Source:** §53(d) and 54(b) of Labour Code No. 262/2006

## Right to Return to Same Position

Right to return to same or similar job is guaranteed under the Labour Code. When an employee returns from maternity leave or parental leave, the employer is obliged to reinstate the employee to his original work/job and workplace. However, if the original job or workplace has ceased to exist, the employer shall assign work to this employee in accordance with the employment contract.

**Sources:** §47 of Labour Code No. 262/2006

## Breastfeeding/ Nursing Breaks

Women workers are allowed two 30-minute paid nursing breaks for each child to breastfeed their children until a child reaches the age of 12 months. In the subsequent 3 months, nursing mothers are granted one half-hour break to breastfeed their children. If a female worker works part time (but at least half of the standard weekly working hours, i.e., 20 hours), she is entitled to one half-hour break for each child until the child reaches the age of one year.

**Source:** §242 of Labour Code No. 262/2006



# 07/13 HEALTH & SAFETY

## **ILO Conventions**

Most ILO OSH Conventions deal with very specific Occupational Safety hazards, such as asbestos and chemicals.

Convention 155 (1981) is the relevant general convention here.

Labour Inspection Convention: 81 (1947)

**Czech Republic has ratified both the Conventions 81 and 155.**

### ***Summary of Provisions under ILO Conventions***

The employer, in all fairness, should make sure that the work process is safe.

The employer should provide protective clothing and other necessary safety precautions for free.

Workers should receive training in all work-related safety and health aspects and must have been shown the emergency exits.

In order to ensure workplace safety and health, a central, independent and efficient labour inspection system should be present.

## Regulations on health and safety:

- Labour Code No. 262/2006
- Act on Further Requirements on Occupational Health and Safety 309/2006 Coll.
- Labour Inspection Act 251/2005

## Employer Cares

The employer shall ensure occupational safety and health protection of employees at work with regard to risks which might endanger his employees' life and health during performance of work. The care for occupational safety and health protection, imposed on the employer forms an integral and equal part of managerial employees' obligations, at all levels (stages) of management, within the scope of their positions. The employer shall create the working environment and working conditions, which are safe and do not endanger employees' health, by organizing appropriate occupational safety and health protection and by taking measures aimed at risk prevention. Detailed provisions on an employer's responsibility to protect employees at the workplace are provided in section.

**Source:** §1-6 of Act on Further Requirements on Occupational Health and Safety 309/2006 Coll; §101-102 of Labour Code No. 262/2006

## Free Protection

An employer is obliged to ensure occupational safety and protect the health of all the persons who are present at the workplace. The cost to ensure occupational safety and health protection has to be borne by the employer. The cost for such protection may not be transferred directly

or indirectly to employees. If occupational risks can't be eliminated or curbed by means of collective protection (prevention) or by measures in the field of work organization, the employer shall provide his employees with personal protective equipment. Personal Protective Equipment (osobní ochranné pracovní prostředky) is defined as different types of protective and safety aid which protect employees against risks, don't endanger workers' health and don't hinder in the performance of work and meet the requirements as laid down in the statutory provisions. Personal Protective Equipment like goggles, footwear, clothing, washing agents, detergents and disinfectants is to be provided and maintained by the employer in usable condition. The employer is also required to check the proper usage of personal protective equipment. Employers cannot substitute the supply of personal protective equipment by a financial compensation. Workers are also required to use the necessary personal protective equipment (PPE) and may not willfully discard, change or move protective devices for machinery, equipment and tools and must use these devices for the purposes and under the conditions for which they were intended.

**Sources:** §17 of the Act on Further Requirements on Occupational Health and Safety 309/2006 Coll; §101-104 of Labour Code No. 262/2006

## Training

The Labour Code requires that the information and guidelines should be provided at the start of an employee's job (employment), on an employee's transfer to some alternative work or to another workplace, or on change in the working (operating) environment, on the

introduction or change of working equipment, technology or working procedures (processes). Employer is also required to provide training in cases when it can have a substantial impact on occupational safety and health protection of workers.

The employer has to ensure staff training on statutory provisions and other regulations relating to occupational safety and health protection. The training should supplement an employee's knowledge to improve performance of his work. The training may also guide workers about the risks that employees may encounter at the workplace. In workplaces where hazardous/dangerous work is performed, employer is required to provide safety signs and signboards and introduce signals that provide information or instruction related to the protection of safety and health at the workplace and to inform employees of the meaning of such instructions.

**Sources:** §6 of the Act on Further Requirements on Occupational Health and Safety 309/2006 Coll; §103 of Labour Code No. 262/2006

## Labour Inspection System

Labour Inspection system is provided under the Labour Inspection Act 251/2005. The State Labour Inspection Office, based in Opava, is the authority under the Ministry of Labour and Social Affairs to supervise the enforcement of labour legislation. The central authority manages eight regional inspection offices and each office covers two regions for inspection purposes.

**Source:** [www.suip.cz/pracovnepravni-vztahy/kompetence-organu-inspekce-prace](http://www.suip.cz/pracovnepravni-vztahy/kompetence-organu-inspekce-prace)

# 08/13 SICK LEAVE & EMPLOYMENT INJURY BENEFIT

## **ILO Conventions**

Convention 102 (1952), Conventions 121 (1964) and 130 (1969) concerning Social Security, Employment Injury Benefits and Medical Care and Sickness Benefits

**Czech Republic has ratified the Convention 102 and 130 only.**

### ***Summary of Provisions under ILO Conventions***

A worker's rights to work and income should be protected when illness strikes. The national labour law may provide that sickness benefit may not be paid during the first 3 days of your absence. Minimally, a worker should be entitled to an income during first 6 months of illness. This income should be at least 45 per cent of the minimum wage. (Countries are free to opt for a system which guarantees 60 per cent of the last wages during the first 6 months of illness or even during the first year). A worker must be entitled to paid sick leave.

During illness, a worker should be entitled to medical care without any additional cost. Employees and their family members should have access to the necessary minimal medical care at an affordable cost.

During the first 6 months of illness, a worker should not be fired.

If a worker is disabled due to an occupational disease or accident, he/she must receive a higher benefit. In the case of temporary or total incapacity/disability, a worker may at least be provided 50% of his average wage while in the case of fatal injury, the survivors may be provided with 40% of the deceased worker's average wage in periodical payments.

## Regulations on sick leave & Employment Injury Benefits:

- Labour Code No. 262/2006
- Sickness Insurance Act No. 187/2006
- Health Insurance Act (Act No. 189/2006 Coll.

## Income

Sick workers are entitled to paid sick leave in the event of sickness. A person is eligible for sickness benefit if he/she is employed or works as self-employed and pays sickness insurance premiums. Employees, however, are insured automatically if their monthly income is higher than CZK3,500. Self-employed are registered if they have at least a monthly income of CZK5,000. Employees are insured and eligible for sickness benefits from the first day of employment while self-employed are eligible after the third month of paying insurance contributions.

Earlier, employees were not entitled to any compensation during the first three days of sickness. However, under a 2019 reform in legislation, waiting period has been abolished and employer has to provide compensation from the first day of sickness to the tenth day. The compensation benefit is similar to the sickness benefit and is 60% of workers' average salary. After the first 10 days, workers are entitled to sickness benefit paid by the social security system. The amount of sickness payment depends on the worker's salary and the number of sick days.

Employee or self-employed person, who is recognized temporarily unable to work by a physician, is entitled to sick pay from 15th calendar day of the duration of temporary

disability until the end of temporary incapacity, to a maximum of 380 calendar days. The amount of sickness benefit per calendar day is 60% of the reduced daily assessment base.

The daily basis of assessment is reduced as follows: for sickness benefit and attendance allowance, 90% up to the amount of the first reduction level; 60% from the amount above the first reduction level up to the second reduction level; 30% from the amount above the second reduction level up to the third reduction level; and the amount above the third reduction level is disregarded. The same reduction rules apply to maternity benefit and the compensation allowance for pregnancy and maternity, with the amount of the first reduction level to include 100%. The reduction level amounts valid from 1 January of the calendar year are announced as a notification by the Ministry of Labour and Social Affairs in the Collection of Acts. The reduction levels from January 2021 are as follows:

- 1st reduction level – CZK 11 82
- 2nd reduction level - CZK 1 773
- 3rd reduction level - CZK 3 545

These limits also affect the salary compensation which employer is required to pay employee for the first 14 days of sickness. The reduction limit for the purpose of calculating salary compensation in 2021 will be as:

- 1st reduction level – CZK 206.85
- 2nd reduction level - CZK 310.28
- 3rd reduction level – CZK 620.38

Those who receive retirement pension or stage three invalidity receive the sickness benefit from the 15th calendar day of their temporary incapacity to work or from the 15th calendar day of the ordered quarantine, for no longer than 63 calendar

days, from no later than the day on which the insured activity ends.

**Sources:** §192 of the Labour Code No. 262/2006; §23-31 of Sickness Insurance Act No. 187/2006, last amended in 2019

## Medical Care

All residents and those gainfully employed are eligible for medical benefits. The Health Insurance Act (Act No. 189/2006 Coll) regulates the provision of medical care. The expenses covered under the health insurance include diagnosis and medical care; preventive programs; supply of medication and therapeutic material; transportation of patients/costs; health and medical equipment and spa stays.

The amendment Act on Social Security Insurance Premiums and Contributions to State Employment Policy has reduced the premium rate for employers. Mandatory contributions to sickness insurance paid by employers are reduced by 0.2%. Hence, the premium to sickness insurance is reduced from 2.3% to 2.1%.

## Job Security

Employment of a worker is secure during the term of his/her sickness or accident. Labour Code prohibits an employer to give notice of termination to a worker during a period when the employee is recognized to be temporarily unfit for work (unless the worker brought on this incapacity intentionally or unless it arose as an immediate consequence of his drunkenness or substance abuse). Similarly, employer is prohibited to take action during the period of submission of proposal for an employee's treatment in hospital/medical care establishment or spa

or during a period from the start of his treatment in a hospital or spa until such treatment comes to an end. If the employee suffers from tuberculosis, the protection period shall be extended by six months as of his discharge from treatment at a health care establishment.

**Source:** §53 of Labour Code No. 262/2006

## Disability / Work Injury Benefit

Work injuries are divided into four categories: (i) permanent total incapacity (ii) permanent partial incapacity (iii) temporary incapacity and (iv) fatal injury leading to death of a worker.

There is no minimum qualifying period for access to benefits under work injuries. Accidents that occur while commuting to and from work are not covered. A worker must have lost 35% of the working ability to be entitled to work-injury benefit. Disability is classified into three different levels as follows:

- i. 1st Degree (35%-49%)
- ii. 2nd Degree (50%-69%)
- iii. 3rd Degree (70% or higher)

In the case of permanent total incapacity/disability, a doctor appointed by the Social Security Administration assesses the degree of disability/incapacity of an individual worker. The full disability pension is paid when a worker has lost his/her working capacity by more than 70%. Partial Disability means 33% reduction in the working capacity. The benefit is based on previous earnings, i.e., average earnings over the 3 months prior to incapacity. Employers pay this compensation every month until the end of the calendar month in which the recipient reaches the age of 65 years.

In the case of temporary disability, workers are free to choose the doctor. The cost of treatment, referred to as adequate expenditure has to be borne by the employer. Compensation for loss of earnings due to disability is paid till the age of 65 years. The amount of cash benefit is the difference between the employee's average earnings before the accident or occupational disease and the full amount of sickness benefit.

In the case of fatal injury, survivors' benefits are paid to the dependents (spouse, children younger than 26 years and dependent parents). Survivors' benefit is paid as a lump sum amount as follows:

- iv. Spouse: CZK 240,000;
- v. Orphan (for each dependent child): CZK 240,000; and
- vi. Dependent Parents: CZK 240,000

A funeral grant (CZK 5,000) is also paid to the person who organizes the funeral. This grant is paid through the system of State Social Support

**Source:** ISSA Country Profile

# 09/13 SOCIAL SECURITY

## **ILO Conventions**

Social Security (minimum standards): Convention 102 (1952). For several benefits somewhat, higher standards have been set in subsequent Conventions

Employment Injury Benefits: Conventions 121 (1964),

Invalidity, Old age and survivors' benefits: Convention 128(1967)

Medical Care and Sickness Benefits: Convention 130 (1969)

Unemployment Benefits: Convention 168 (1988).

**Czech Republic has ratified the Convention 102, 128 and 130 only.**

### ***Summary of Provisions under ILO Conventions***

In the normal circumstances, the pensionable age may not be set higher than 65 years of age. If retirement age is fixed above 65 years, it should give “due regard to the working ability of elderly persons” and “demographic, economic and social criteria, which shall be demonstrated statistically”. Pension can be set as a percentage of the minimum wage or a percentage of the earned wage.

When the breadwinner has died, the spouse and children are entitled to a benefit, expressed as a percentage of the minimum wage, or a percentage of the earned wage. This must at least be 40% of the reference wage.

For a limited period of time, the unemployed has a right to unemployment benefit set as a percentage of the minimum wage or a percentage of the earned wage.

Invalidity benefit is provided when a protected person is unable to engage in a gainful employment, before standard retirement age, due to a non-occupational chronic condition resulting in disease, injury or disability. Invalidity Benefit must at least be 40% of the reference wage.



## Regulations on social security:

- Employment Act No. 435/2004, last amended in 2015
- Pension Insurance Act No. 155/1995

## Pension Rights

Law provides for both full pension and early as well as deferred pension. For full pension, a worker born in 1952 must have attained the age of 62 years and 10 months (between 56 years & 4 months and 61 years & 8 months for women depending on the number of children) with at least 31 years of insurance. In 2017, the retirement age will be 63 for those born in 1953. The retirement age will gradually rise to 65 years for men and women and ultimately to 67 years in 2044. The minimum period for entitlement to old age pension is also increasing and will be 35 years after 2018.

In 2017, the minimum age for retirement for women workers born in 1953 was as following depending on the number of children rose:

- No children: 62 years;
- One Child: 60 years + 8 months;
- Two Children: 59 years + 4 months;
- Three-Four Children: 58 years; and
- Five or more Children: 56 years + 8 months

The Early Pension is available to workers up to three years before normal retirement age with at least 29 to 31 years of contributions. If the insured person's retirement age is more than 63, such person may receive an early old-age pension up to five years early however after reaching the age of 60 (the early pension age for those whose normal retirement age will be 66 may get this early pension at the age of 61).

The monthly pension, in 2017, consists of a flat rate amount of 2,550 Koruna and an earnings-related amount of 1.5% of the personal assessment base for each year of coverage. The amount of the percentage assessment may not be lower than CZK 770 per month. The personal assessment base is based on the average gross earnings over the years preceding retirement. This period was initially ten years and is extended by one year every year until it reaches a total of 30 calendar years. The personal assessment base is calculated from gross earnings by the following formula:

- Up to CZK 12, 423.....100% incorporation;
- CZK 12,423 to CZK 112,928.....26% incorporation;
- CZK 112,928 and above.....disregarded (nepřihlíží se)

**Source:** <http://www.cssz.cz/en/pension-insurance/old-age-pension.htm>;  
<http://www.cssz.cz/cz/duchodove-pojisteni/davky/vypocet-a-vyplata-duchodu>;  
<https://www.cssz.cz/en/pension-insurance/old-age-pension.htm>

## Dependents' / Survivors' Benefit

Pension Insurance Act provides for survivors' benefit (these include dependents including widow, widower, children up to the age of 26 years). A survivors' pension is payable provided that the deceased worker was a pensioner or had qualified for a disability pension or an old age pension. A widow(er) receives the following sums of money as pension for a period of one year after the death of spouse. It is a monthly flat rate amount of CZK 2,340 plus 50% of the earnings-related amount the deceased received or was eligible to

receive. A widow(er) can receive pension after one year only if the surviving spouse:

- i. has reached retirement age;
- ii. is less than 4 years younger than the retirement age for men;
- iii. in the third degree of invalidity;
- iv. is caring for a dependent child;
- v. is caring for a child or deceased spouse's parent living in the same household

In the case of orphans, the survivors' benefit is a monthly flat rate amount of CZK 2,440 plus 40% of the earnings-related amount the deceased received or was eligible to receive. For full orphans, this amount is flat rate amount plus 40% of the sum of the earnings-related amount of each parent is paid.

**Source:** Pension Insurance Act No. 155/1995

## Unemployment Benefits

Workers are entitled to an unemployment benefit if they are registered as jobseekers and have been insured for at least 12 months in the last two years. The unemployment benefit is provided for the following periods:

- i. 5 months for workers up to the age of 50 years;
- ii. 8 months for workers between the age of 50 and 55 years;
- iii. 11 months for workers over the age of 55 years

The amount of unemployment benefit is as follows:

- i. 65% of the worker's average earnings in the last quarter for the first 2 months;

- ii. 50% of the worker's average earnings in the last quarter for the following 2 months; and
- iii. 45% of the worker's average earnings in the last quarter for next month(s)

Unemployment benefit is not paid as long as a worker is entitled to severance pay. Once severance pay period ends, the unemployment benefit starts.

**Source:** §39-57 of the Employment Act No. 435/2004

## Invalidity Benefits

Three different types of disability are recognized. The third degree of invalidity means that the ability to perform work has been reduced by at least 70%. For second degree invalidity, the ability to perform work is reduced by 50-69%. The ability to perform work is reduced by 35-49% for the first-degree invalidity.

The qualifying period is five years in the last 10 years for workers over the age of 38 years. Less number of years is required for workers under the age of 38 years. The eligibility for a disability pension is based on required term of insurance: workers under the age of 20 years required less than one year of insurance while workers over 38 years of age require 10 years of insurance.

The work injury benefit is composed of two components: basic amount and a percentage amount. The basic amount is a fixed sum (9% of average wages) and does not change with the degree of disability. This amount is CZK 2,440 in 2016. The percentage amount is defined individually depending on salary level and insured number of years. The monthly disability

pension consists of a flat rate amount of CZK 2,440 and an earnings-related amount of 1.5% of the personal assessment base for each year of coverage for a third degree of invalidity; 0.75 for a second-degree invalidity or 0.50 for a first-degree invalidity.

As per the Government Regulation No. 388/2020 Coll., has announced to provide maximum amount of contribution to support the employment of the person with disabilities. The State provides employers with financial contribution to those who employ people with disability. Pursuant with the government regulation, the contribution has increased to CZK 13,600.

**Source:** ISSA Country Profile; Pension Insurance Act No. 155/1995

# 10/13 FAIR TREATMENT

## ILO Conventions

Convention 111 (1958) lists the discrimination grounds which are forbidden.

Convention 100 (1952) is about Equal Remuneration for Work of Equal Value.

Convention 190 (2019) is about elimination of violence and harassment in the world of work.

**Czech Republic has ratified the Conventions 100 and 111.**

### *Summary of Provisions under ILO Conventions*

At workplaces, equal pay for men and women for work of equal value is a must, regardless of marital status. Pay inequality based on race, colour, sex, religion, political opinion, national extraction/place of birth or social origin is also forbidden. A transparent remuneration system and the clear matching of pay and position should be in place and to help prevent wage discrimination.

Convention No. 190 recognizes the right of everyone to a world of work free from violence and harassment. It defines violence and harassment as “a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment”. This definition covers physical abuse, verbal abuse, bullying and mobbing, sexual harassment, threats and stalking, among other things.

An employer can't discriminate against you on in any aspect of employment (appointment, promotion, training and transfer) on the basis of union membership or participation in union activities, filing of a complaint against an employer, race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin, temporary absence due to illness, age, trade union membership, disability/HIV-AIDS, or absence from work during maternity leave. (Conventions 111, 156, 158, 159 and 183)

People have the right to work and there can't be occupational segregation on the basis of gender.

## Regulations on fair treatment:

- Charter of Fundamental Rights and Basic Freedoms from Czech Constitution
- Labour Code No. 262/2006
- Equal Treatment and Prohibition of Discrimination Act No. 198/2009 Coll.

## Equal Pay

The Czech Constitution grants employees the right to fair remuneration for their work and under satisfactory working conditions. Employers are required to ensure equal treatment of all employees regarding working conditions, remuneration for work and other emoluments in cash or in kind (of monetary value), vocational/professional training and opportunities for career advancement/promotion. All workers employed by an employer are entitled to receive equal wages, salary or remuneration for the same/equal work or for work of the same value. The same (equal) work or work of the same value shall mean to be work of the same or comparable complexity, responsibility and strenuousness which is performed in the same or comparable working conditions and which is of equal or comparable work efficiency and brings equal or comparable work results.

**Source:** §28 of the Charter of Fundamental Rights and Basic Freedoms from Czech Constitution; §16 & 110 of Labour Code No. 262/2006

## Sexual Harassment

Harassment and sexual harassment are prohibited under the Equal Treatment and Prohibition of Discrimination Act No.

198/2009 Coll. known as the Anti-Discrimination Act. In accordance with section 4 of the Anti-discrimination Act, sexual harassment is unwanted conduct of sexual nature with the purpose or the effect of demeaning a person's dignity and creating an intimidating, unfriendly, degrading, humiliating or otherwise offensive atmosphere. Sexual harassment is an unwanted conduct of sexual nature that is perceived as a condition for decisions affecting the exercise of rights and obligations arising from legal relations. Sexual harassment is generally considered to be discrimination and is prohibited in the same way (Section 1-4).

Under section 10 of the Anti-Discrimination Act, if the rights and duties concerning discrimination at the workplace have been violated, an employee may file a claim in the court and may demand:

- i. that the violation stops;
- ii. that the consequences of discriminatory act may be remedied; and
- iii. that he/she be awarded appropriate (moral or monetary) compensation

If the above remedies are not sufficient, particularly because the victim's reputation or dignity or respect has been harmed in the society, the victim has the right to monetary compensation for non-material damage. The amount of such compensation is assessed by the court taking into account the seriousness of the damage and circumstances under which the right was infringed/violated.

**Source:** §1-4 & 10 of the Anti-Discrimination Act

## Non-Discrimination

In accordance with Art. 01 of the Charter, all people are free, have equal dignity and enjoy equal rights. The Art. 03 of the Charter guarantees enjoyment of fundamental rights and basic freedoms without regard to gender, race, colour of skin, language, faith and religion, political or other conviction, national or social origin, membership in a national or ethnic minority, property, birth or status.

Employers have to ensure equal treatment for all employees with regard to their working conditions, remuneration for work and other emoluments in cash and in kind (of monetary value), vocational (professional) training and opportunities for career advancement (promotion). (Section 16 of Labour Code) All types of discrimination are prohibited in employment relations. Under the Anti-Discrimination Act, discrimination is prohibited on the grounds of "race, ethnic origin, nationality, sex, sexual orientation, age, disability, religion, belief or opinions". Discrimination on the grounds of pregnancy, maternity, paternity and sexual identification is also considered discrimination on the grounds of sex. (Section 2)

## Equal Choice of Profession

The Constitution guarantees that "everyone has the right to free choice of his profession and to the training for that profession as well as to engage in commercial and economic activity" (Art. 26 of the Charter). However, the Labour Code prohibits employment of women in such works that may endanger their maternity/motherhood.

**Source:** §238 of the Labour Code

*The text in this document was last updated in December 2023. For the most recent and updated text on Employment & Labour Legislation in Czech Republic in Czech, please refer to: <https://mujplat.cz/>*

# 11/13 MINORS & YOUTH

## **ILO Conventions**

Minimum Age: Convention 138 (1973)

Worst Forms of Child labour: Convention 182 (1999)

**Czech Republic has ratified the Conventions 138 and 182.**

### ***Summary of Provisions under ILO Conventions***

At workplaces, children may not be forced to perform work that could harm their health and hampers their physical and mental development.

All children should be able to attend school. Once this is safeguarded, there is no objection against children performing light jobs between the ages of 12 and 14. The general minimum age is 15 years however developing countries may set this at 14 years. The minimum age for hazardous work, work that is likely to jeopardize the health, safety or morals of young persons, is 18 years. It can also be set at a lower level of 16 years under certain circumstances

Children should not be employed in a work that is likely to harm the health, safety or morals of children. It is considered one of the worst forms of child labour. The minimum age for such hazardous work is 18 years.



## Regulations on minors and youth:

- Labour Code No. 262/2006

### Minimum Age for Employment

A worker must have reached the age of 15 years to enter into an employment contract. However, the necessary condition to enter into employment contract is the completion of compulsory school education and a child may not enter into employment contract if he/she has not finished compulsory education even if his age is higher than 15 years. The children under the age of 15 years may only perform artistic, cultural, advertising or sports activity under the conditions laid down in other provisions. The authorization for engagement in these activities is granted by the Employment Office under the provisions of Employment Act.

Education is compulsory for the first 9 years of education from the age of 6 years to 15 years. The compulsory education age can be extended to a maximum of 17 years if a person has not completed this schooling prior.

**Source:** §6 & 346(a) of Labour Code 2006; §36 of the Education Law (561/2004); §121-125 of the Employment Act (435/2004)

### Minimum Age for Hazardous Work

Minimum Age for dangerous or hazardous work is 18 years. An employer is required to create favorable conditions for the general development of physical and mental (intellectual) abilities of adolescent employees by adjusting their working conditions. Employer may employ adolescent workers for the type of work which is adequate to their physical and

mental development. The following types of work are prohibited for adolescent employees, i.e., the workers under the age of 18 years:

- i. overtime work;
- ii. night work;
- iii. underground work on the extraction of minerals, drilling tunnels or galleries;

Juvenile employees older than 16 may exceptionally carry out night work not exceeding one hour if it is necessary for their vocational training

It is prohibited to employ adolescent employees on those types of work which expose them to an increased risk of injury or the performance of which they could seriously put at risk the safety and health of fellow employees or other natural persons. The total working hours of adolescent employees must not exceed 40 hours per week.

Employer must ensure, at his own cost, that adolescent employees are examined by the medical doctor before commencement of work, before their transfer to another type of work and on regular basis with at least once a year. Adolescent employees are also required to undergo prescribed medical examinations.

Minimum age for hazardous work is mentioned as 18 years in the Decree 288/2003. The Decree also prohibits employment of adolescent (under the age of 18 years) in an environment where the air pressure is quite high, work involving a lot of load in the musculoskeletal system, workplace with high noise; chemical substances; and carcinogenic substances, etc.

A 2014 amendment in the Penal Code criminalizes the offences of child



pornography and establishing of illicit contact with a child.

Participation in a pornographic performance featuring a child, abuse of a child to make pornography and production and handling of child pornography are criminal offences. Furthermore, *establishing of illicit contacts with a child* is added as a punishable offence, where an adult person proposes to meet with a child who has not reached the age of sexual maturity, with the aim of committing the offence of sexual abuse or similar criminal offences against the child. Similarly, the amended law adds sanctions for intentionally seeking access to child pornography by means of information and communication technology.

**Source:** §6 of the Decree No. 288/2003 on Establishing work and workplaces that are prohibited for pregnant women, breastfeeding women, mothers until the ninth month after the childbirth and adolescents, and the conditions under which juveniles may exceptionally perform this work due to occupational training; §101, 243-247 of Labour Code 2006; §192-193b of the Criminal Code 40/2009

# 12/13 FORCED LABOUR

## **ILO Conventions**

Forced labour: Conventions 29 (1930)

Abolition of Forced labour: Conventions 105 (1957)

Forced labour is the work one has to perform under threat of punishment: forfeit of wages, dismissal, harassment or violence, even corporal punishment. Forced labour means violation of human rights.

**Czech Republic has ratified both Conventions 29 & 105.**

### ***Summary of Provisions under ILO Conventions***

Except for certain cases, forced or compulsory labour (exacted under the threat of punishment and for which you may not have offered voluntarily) is prohibited.

Employers have to allow workers to look for work elsewhere. If a worker is looking for work elsewhere, he/she should not be shortened on wages or threatened with dismissal. (In the reverse cases, international law considers this as forced labour).

If the total working hours, inclusive of overtime exceed 56 hours per week, the worker is considered to be working under inhumane working conditions.

## Regulations on forced labour:

- Charter of Fundamental Rights and Basic Freedoms from Czech Constitution
- Labour Code No. 262/2006
- Criminal Code 40/2009, last amended in 2015

## Prohibition on Forced and Compulsory Labour

Everyone has freedom and right to work in the field of his/her choice. No one can be subjected to forced labour or service. Trafficking individuals to engage them in forced labour or other forms of exploitation is a liable offense under the Criminal Code of Czech Republic. An offender may be imprisoned for two to ten years for engaging in forced labour practices.

**Source:** §09 of the Charter; §168 of the Criminal Code 40/2009

## Freedom to Change Jobs and Right to Quit

An employee, before terminating the employment relationship, has also to observe notice periods as provided under Art. 48-61 of Labour Code No. 262/2006. Please see more on this under Employment Security.

**Source:** §48-61 of Labour Code No. 262/2006

## Inhumane Working Conditions

Maximum working hours are 40 hours a week. The maximum length of a shift may not exceed 12 hours. The usual daily

working hours are 8 hours a day for five-day working week.

Workers may be required to work overtime in exceptional circumstances due to serious operational reasons. The Labour Code specifies that a worker may not be ordered to do more than 8 hours of overtime work in a week and 150 hours within a calendar year. The overtime work may not exceed 8 hours a week on average during a 26-week period. A collective agreement may extend this period to 52 weeks.

# 13/13 TRADE UNION

## **ILO Conventions**

Freedom of association and protection of the right to organize: Convention 87 (1948)

Right to Organize and Collective Bargaining: Convention 98 (1949)

**Czech Republic has ratified both Conventions 87 & 98.**

### ***Summary of Provisions under ILO Conventions***

Freedom of association means freedom to join a trade union. This is part of the fundamental human rights. Employees may not be put at a disadvantage when they are active in the trade union outside working hours. The list of exclusions for sectors of economic activity and workers in an organization should be short.

Trade unions are entitled to negotiate with employers on term of employment without hindrance. The freedom of a trade union to negotiate with employers to try and conclude collective agreements is protected. (The ILO has a special procedure for handling complaints from unions about violation of this principle).

Workers have the right to strike in order to defend their social and economic interests. It is incidental and corollary to the right to organize provided in ILO convention 87.

## Regulations on trade unions:

- Charter of Fundamental Rights and Basic Freedoms from Czech Constitution
- Labour Code No. 262/2006
- New Civil Code (No. 89/2012)

## Freedom to Join and Form a Union

Constitution and labour law provide for freedom of association and allow workers and employers to join and form unions as well as professional associations. Workers are allowed to join unions without prior authorization. No limits may be placed upon the number of trade union organizations nor may any of them be given preferential treatment in a particular enterprise or industry. The activities of trade unions and the formation and activities of similar associations for the protection of economic and social interests may be limited by law in the case of measures necessary in a democratic society for the protection of the security of the state, public order, or the rights and freedoms of others.

Trade unions or employer associations are private law associations and are covered under Citizens Civil Law Associations Act No. 83/1990, Coll. The said law was repealed when a new Civil Code was promulgated in 2012. Under the new law, associations are referred to as societies. A trade union or employer organization is established once it notifies the relevant public authority of its establishment.

Trade unions are established and registered with the public register and are governed under the New Civil Code. A trade union is entitled to represent workers if this

is included in the articles of association and it has at least three members.

In accordance with the Labour Code, trade union organizations (bodies) shall ensure compliance with this Code, the Employment Act, statutory provisions on occupational safety and health protection and other labour statutory provisions.

**Source:** §27 of the Charter; §3025 of the New Civil Code (No. 89/2012); §286 & 321 of Labour Code No. 262/2006

## Freedom of Collective Bargaining

Right to collective bargaining is regulated under the Collective Bargaining Act No. 2/1991 Coll. Trade unions are the authorized bodies to engage in collective bargaining. Workers and employers can regulate their economic and social position and conditions of work through collective bargaining agreements. Detailed provisions on collective bargaining are found in Labour Code and Collective Bargaining Act No. 2/1991 Coll.

Council of Economic and Social Agreement, established in 1990, is a tripartite collective voluntary negotiating and initiative body of trade unions, employers and the government of the Czech Republic with the aim of reaching agreement on fundamental economic and social development matters. The Council discusses selected problems, which are the subject of common interest of social partners. It has 22 members with seven members each from worker and employer groups and eight members from government. The Council is headed by the Prime Minister.

**Source:** §22-29 of Labour Code No. 262/2006; §1-9 of the Collective Bargaining

## Right to Strike

Right to strike is guaranteed under the Constitution and workers can resort to strike/and employer can resort to lockout if a dispute arises during the collective bargaining process. The Constitution however does not grant this right to judges, prosecutors, or members of the armed forces or security corps.

Right to strike is regulated under the Act on Collective Bargaining. Workers in nearly all of the occupations have the right to strike if mediation fails. However, workers can be restricted or prohibited to take strike action in essential services like hospitals, nuclear energy sector, fire brigades, and employees working in the area of natural disasters. Employees cannot be prevented from the strike (by employer) or even compelled to (by union) participate in a strike.

**Source:** §27 of the Charter; §10-20 of Collective Bargaining Act No. 2/1991 Coll

# QUESTIONNAIRE

## DECENTWORKCHECK.ORG

## Check

Decent Work Check Czech Republic is a product of WageIndicator.org and  
www.mujplat.cz/hlavni-stranka



National Regulation exists



National Regulation does not exist

## 01/13 Work &amp; Wages

	NR	Yes	No
1. I earn at least the minimum wage announced by the Government		<input type="checkbox"/>	<input type="checkbox"/>
2. I get my pay on a regular basis. (daily, weekly, fortnightly, monthly)		<input type="checkbox"/>	<input type="checkbox"/>

## 02/13 Compensation

3. Whenever I work overtime, I always get compensation <i>(Overtime rate is fixed at a higher rate)</i>		<input type="checkbox"/>	<input type="checkbox"/>
4. Whenever I work at night, I get higher compensation for night work		<input type="checkbox"/>	<input type="checkbox"/>
5. I get compensatory holiday when I have to work on a public holiday or weekly rest day		<input type="checkbox"/>	<input type="checkbox"/>
6. Whenever I work on a weekly rest day or public holiday, I get due compensation for it		<input type="checkbox"/>	<input type="checkbox"/>

## 03/13 Annual Leave &amp; Holidays

7. How many weeks of paid annual leave are you entitled to?*		<input type="checkbox"/> 1 <input type="checkbox"/> 2	<input type="checkbox"/> 3 <input type="checkbox"/> 4+
8. I get paid during public (national and religious) holidays		<input type="checkbox"/>	<input type="checkbox"/>
9. I get a weekly rest period of at least one day (i.e. 24 hours) in a week		<input type="checkbox"/>	<input type="checkbox"/>

## 04/13 Employment Security

10. I was provided a written statement of particulars at the start of my employment		<input type="checkbox"/>	<input type="checkbox"/>
11. My employer does not hire workers on fixed terms contracts for tasks of permanent nature <i>Please tick "NO" if your employer hires contract workers for permanent tasks</i>		<input type="checkbox"/>	<input type="checkbox"/>
12. My probation period is only 06 months		<input type="checkbox"/>	<input type="checkbox"/>
13. My employer gives due notice before terminating my employment contract (or pays in lieu of notice)		<input type="checkbox"/>	<input type="checkbox"/>
14. My employer offers severance pay in case of termination of employment <i>Severance pay is provided under the law. It is dependent on wages of an employee and length of service</i>		<input type="checkbox"/>	<input type="checkbox"/>





## 05/13 Family Responsibilities

15. My employer provides paid paternity leave <i>This leave is for new fathers/partners and is given at the time of child birth</i>		<input type="checkbox"/>	<input type="checkbox"/>
16. My employer provides (paid or unpaid) parental leave <i>This leave is provided once maternity and paternity leaves have been exhausted. Can be taken by either parent or both the parents consecutively.</i>		<input type="checkbox"/>	<input type="checkbox"/>
17. My work schedule is flexible enough to combine work with family responsibilities <i>Through part-time work or other flex time options</i>		<input type="checkbox"/>	<input type="checkbox"/>





## 06/13 Maternity &amp; Work

18. I get free ante and post natal medical care		<input type="checkbox"/>	<input type="checkbox"/>
19. During pregnancy, I am exempted from nightshifts (night work) or hazardous work		<input type="checkbox"/>	<input type="checkbox"/>
20. My maternity leave lasts at least 14 weeks		<input type="checkbox"/>	<input type="checkbox"/>







- |     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 21. | During my maternity leave, I get at least 2/3rd of my former salary   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 22. | I am protected from dismissal during the period of pregnancy<br><i>Workers can still be dismissed for reasons not related to pregnancy like conduct or capacity</i> |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 23. | I have the right to get same/similar job when I return from maternity leave   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 24. | My employer allows nursing breaks, during working hours, to feed my child   |  | <input type="checkbox"/> | <input type="checkbox"/> |





## 07/13 Health & Safety

- |     |  |   |                          |                          |
|-----|--|---|--------------------------|--------------------------|
| 25. | My employer makes sure my workplace is safe and healthy  |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 26. | My employer provides protective equipment, including protective clothing, free of cost   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 27. | My employer provides adequate health and safety training and ensures that workers know the health hazards and different emergency exits in the case of an accident |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 28. | My workplace is visited by the labour inspector at least once a year to check compliance of labour laws at my workplace  |  | <input type="checkbox"/> | <input type="checkbox"/> |









## 08/13 Sick Leave & Employment Injury Benefits

- |     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 29. | My employer provides paid sick leave and I get at least 45% of my wage during the first 6 months of illness |    | <input type="checkbox"/> | <input type="checkbox"/> |
| 30. | I have access to free medical care during my sickness and work injury                                       |   | <input type="checkbox"/> | <input type="checkbox"/> |
| 31. | My employment is secure during the first 6 months of my illness   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 32. | I get adequate compensation in the case of an occupational accident/work injury or occupational disease     |  | <input type="checkbox"/> | <input type="checkbox"/> |













## 09/13 Social Security

- |     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 33. | I am entitled to a pension when I turn 60   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 34. | When I, as a worker, die, my next of kin/survivors get some benefit   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 35. | I get unemployment benefit in case I lose my job  |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 36. | I have access to invalidity benefit in case I am unable to earn due to a nonoccupational sickness, injury or accident |  | <input type="checkbox"/> | <input type="checkbox"/> |



## 10/13 Fair Treatment

- |     |  |   |                          |                          |
|-----|--|---|--------------------------|--------------------------|
| 37. | My employer ensure equal pay for equal/similar work (work of equal value) without any discrimination                                     |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 38. | My employer take strict action against sexual harassment at workplace  |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 39. | I am treated equally in employment opportunities (appointment,promotion, training and transfer) without discrimination on the basis of:* |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Sex/Gender   |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Race   |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Colour   |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Religion   |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Political Opinion  |  | <input type="checkbox"/> | <input type="checkbox"/> |




\* For a composite positive score on question 39, you must have answered "yes" to at least 9 of the choices.

	Nationality/Place of Birth		<input type="checkbox"/>	<input type="checkbox"/>
	Social Origin/Caste		<input type="checkbox"/>	<input type="checkbox"/>
	Family responsibilities/family status		<input type="checkbox"/>	<input type="checkbox"/>
	Age		<input type="checkbox"/>	<input type="checkbox"/>
	Disability/HIV-AIDS		<input type="checkbox"/>	<input type="checkbox"/>
	Trade union membership and related activities		<input type="checkbox"/>	<input type="checkbox"/>
	Language		<input type="checkbox"/>	<input type="checkbox"/>
	Sexual Orientation (homosexual, bisexual or heterosexual orientation)		<input type="checkbox"/>	<input type="checkbox"/>
	Marital Status		<input type="checkbox"/>	<input type="checkbox"/>
	Physical Appearance		<input type="checkbox"/>	<input type="checkbox"/>
	Pregnancy/Maternity		<input type="checkbox"/>	<input type="checkbox"/>
40	I, as a woman, can work in the same industries as men and have the freedom to choose my profession		<input type="checkbox"/>	<input type="checkbox"/>





## 11/13 Minors & Youth

41.	In my workplace, children under 15 are forbidden		<input type="checkbox"/>	<input type="checkbox"/>
42.	In my workplace, children under 18 are forbidden for hazardous work		<input type="checkbox"/>	<input type="checkbox"/>

## 12/13 Forced Labour

43.	I have the right to terminate employment at will or after serving a notice		<input type="checkbox"/>	<input type="checkbox"/>
44.	My employer keeps my workplace free of forced or bonded labour		<input type="checkbox"/>	<input type="checkbox"/>
45.	My total hours of work, inclusive of overtime, do not exceed 56 hours per week		<input type="checkbox"/>	<input type="checkbox"/>

## 13/13 Trade Union Rights

46.	I have a labour union at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
47.	I have the right to join a union at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
48.	My employer allows collective bargaining at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
49.	I can defend, with my colleagues, our social and economic interests through "strike" without any fear of discrimination		<input type="checkbox"/>	<input type="checkbox"/>

## Results

Your personal score tells how much your employer lives up to national legal standards regarding work. To calculate your DecentWorkCheck, you must accumulate 1 point for each YES answer marked. Then compare it with the values in Table below:



is your amount of "YES" accumulated.

Czech Republic scored 45 times "YES" on 49 questions related to International Labour Standards

### If your score is between 1 - 18

This score is unbelievable! Does your employer know we live in the 21st century? Ask for your rights. If there is a union active in your company or branch of industry, join it and appeal for help.

### If your score is between 19 - 38

As you can see, there is ample room for improvement. But please don't tackle all these issues at once. Start where it hurts most. In the meantime, notify your union or WageIndicator about your situation, so they may help to improve it. When sending an email to us, please be specific about your complaint and if possible name your employer as well. Also, try and find out if your company officially adheres to a code known as Corporate Social Responsibility. If they do, they should live up to at least ILO standards. If they don't adhere to such a code yet, they should. Many companies do by now. You may bring this up.

### If your score is between 39 - 49

You're pretty much out of the danger zone. Your employer adheres to most of the existing labour laws and regulations. But there is always room for improvement. So next time you talk to management about your work conditions, prepare well and consult this DecentWorkCheck as a checklist.