

Czech Republic: Ministry of Labour and Social Affairs has submitted a draft amendment to the Labour Code

The amendment introduces holiday leave for part-time workers and specifies rules for working from home

07 February 2023

Although the deadline for transposing the EU's a) Work-life Balance Directive and b) Transparent and Predictable Working Conditions Directive into national law has already passed, the changes needed to reflect these new requirements have not yet been implemented into Czech law. In 2022, the Ministry of Labour and Social Affairs submitted a bill to update the Czech Labour Code, but the government and social partners filed several objections to the bill. The Ministry of Labour and Social Affairs has since taken their comments on board and submitted an amended bill, which is set to be debated in the coming weeks.

One of the most significant changes is that employees would be entitled to a broader range of information from their employer upon commencing employment. This would include information on the duration and conditions of their probationary period, as well as information about lunch and rest breaks. The deadline for employers to comply with this disclosure duty is also set to be reduced from 30 days to 7 days.

Other key changes concern the working conditions of employees hired outside of a standard employment relationship – namely contracts for services (in Czech: *dohoda o provedení práce*) and contracts to perform work (in Czech: *dohoda o pracovní činnosti*). If the bill is passed, employers will be required to schedule their employees' working hours, which must then be communicated to employees at least 3 days ahead of time. The aim of this amendment is to establish predictable working conditions for employees. In addition, employees outside of a standard employment relationship are to be entitled to time off where required by their own personal or private circumstances and to annual leave under conditions similar to those in place for standard employment contracts.

Proposal includes conditions on working from home, beyond scope of EU Directives

However, the proposal goes beyond merely transposing the EU directives and goes on to define in more detail the conditions for working from home. One such requirement is that home working agreements must be made in writing. The Ministry has also introduced a simplified calculation of the utility costs which must be reimbursed to employees when working from home. Based on the current proposal, companies will be able to choose whether to reimburse the related costs directly or whether to agree a lump-sum allowance with the employee, which is currently proposed at CZK 2,80 per hour. The allowance can – of course – be higher, but anything above the proposed level will be treated differently for tax purposes. Furthermore, employees who are caregivers can ask employers to allow them to work from home and any employer that refuses to do so must provide the employee with a written explanation for its refusal (the previous bill proposed that any such request would be automatically approved for selected groups of employees).

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The most welcome change is likely to be the easing of the strict requirements currently in place for the electronic delivery of employment-related documentation. If the bill is passed, employees will no longer have to confirm the receipt of e-documents with their advanced electronic signature in order for the electronic delivery to be deemed valid. However, this would not apply in the case of being served termination notices.

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