

4 March 2021

New state of emergency and stricter Covid rules for employers in the Czech Republic

On 26 February 2021, the Czech Government declared a new state of national emergency until 28 March 2021 in response to the worsening COVID-19 pandemic. Stricter measures were also adopted to prevent the further spread of the virus. Below are the most critical measures which came into effect on 1 March 2021 for companies and their employees.

- a. Travel between districts (*okres*) is allowed only where necessary (such as travel to work or for medical check-ups). Anyone crossing district borders must fill out a form beforehand (available on the website of the Ministry of the Interior at <https://okresy.mvcr.cz/en.html>). This form must state the reason for travel. For travel to work, certification from the employer is required.
- b. Surgical masks must be worn everywhere outside the home, including workplaces (some minor exceptions apply). This means that textile facemasks are no longer permitted. In the workplace, this rule applies to everyone except for employees who work alone in one place (typically in separate offices).

Furthermore, FFP2 facemasks must be worn in the following places:

- Public transport, including airports and train/bus/subway stations and stops;
- All shops and shopping malls;
- Health and social care facilities;
- All facilities where services are provided.

Most importantly, the obligation to provide facemasks in the workplace now rests with the employer (i.e. they must ensure that all employees have sufficient surgical/FFP2 facemasks for each work shift).

- c. From 2 March 2021, employees of companies with more than 250 employees must undergo mandatory testing; all employees must undergo their first test by 12 March 2021 at the latest. From 5 March 2021, this obligation will extend to companies with more than 50 employees, which must complete first testing of all employees by 15 March 2021. Each employee must be tested at least once per week and the Government will reimburse companies for four tests per employee in the calendar month (at the cost of CZK 60 per

test). This mandatory testing can be performed either by self-testing using tests obtained from authorised providers or at registered healthcare facilities, in which case testing will be fully covered by public health insurance. Mandatory testing will not apply to employees working from home.

Companies which fail to comply with mandatory testing face fines of up to CZK 500,000 (approx. EUR 19,100). Any employee who refuses to be tested can be fined up to CZK 50,000 (approx. EUR 1,900). Although it is not yet entirely clear how companies should deal with employees who refuse to be tested, the general opinion is that companies should prevent such employees from entering the workplace, which would in turn be treated as an unpaid impediment at work on the employee's side (unless the employer and the employee agree that the employee will work from home or take annual leave). We await further guidance in this respect.

Although there were also proposals to shut down service-sector businesses during March 2021, these were not ultimately approved and this measure is currently not expected to occur (however, this may change due to the high numbers of cases). Therefore, businesses can operate as usual under the limitations and measures outlined above.

The Government order forbidding employees to dine in company canteens (which was to come into effect on 2 March 2021) was almost immediately cancelled and companies are now only required to ensure that social distancing is maintained or to install dividing screens between employees.

The Government also intends to discuss whether employees should be ordered to work from home wherever possible and whether to increase the childcare benefits payable to employees during the shutdown of schools.

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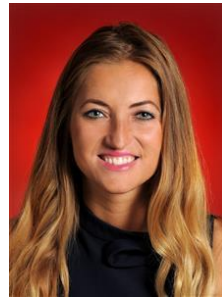


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