

**435/2004 Coll.**

**ACT**

dated 13th May 2004

**on Employment**

Amending: [202/2005 Coll.](#)  
Amending: [168/2005 Coll.](#)  
Amending: [253/2005 Coll.](#)  
Amending: [428/2005 Coll.](#)  
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Amending: [495/2005 Coll.](#)  
Amending: [382/2005 Coll.](#), [413/2005 Coll.](#), [444/2005 Coll.](#)  
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Amending: [124/2008 Coll.](#)  
Amending: [479/2008 Coll.](#) (part)  
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Amending: [364/2011 Coll.](#), [365/2011 Coll.](#), [367/2011 Coll.](#), [420/2011 Coll.](#), [470/2011 Coll.](#)  
Amending: [1/2012 Coll.](#)  
Amending: [420/2011 Coll.](#)  
Amending: [375/2011 Coll.](#)

Parliament has adopted the following Act of the Czech Republic:

**PART ONE**

**INTRODUCTORY PROVISIONS**

**CHAPTER I**

**SCOPE OF THE AMENDMENT**

**Section 1**

In accordance with European Union Law 1), this Act regulates Government employment policies whose goal is to attain full employment and to protect against unemployment.

## CHAPTER II

### GENERAL PROVISIONS

#### Section 2

#### **Government Employment Policy**

(1) The Government Employment Policy in the Czech Republic aims to

- a) secure the right to work,
- b) monitor and assess the situation in the labour market, develop forecasts and policies concerning employment and the development of human resources in the labour market, implement programmes and projects to support the employment of natural persons,
- c) coordinate measures in the field of employment and the development of human resources in the labour market in accordance with the European Employment Strategy and conditions for the drawdown of aid from the European Social Fund,
- d) create and coordinate individual programmes and measures to define priorities in the field of employment and the development of human resources in the labour market,
- e) apply active employment policies,
- f) create and participate in international programmes related to the development of employment and human resources in the labour market,
- g) manage employment policy funds,
- h) provide information, counselling and brokerage services to the labour market,
- i) provide unemployment benefits and fund retraining schemes,
- j) implement measures to support and achieve equality between men and women, and between persons without prejudice to their racial or ethnic origin, between the disabled and other groups of persons who have an exacerbated position in the labour market as regards access to jobs, retraining, vocational training and specialized training courses, and measures to promote the employment of these persons,
- k) measures to promote employment of disabled persons and other groups of people who have an exacerbated position in the labour market,
- l) coordinate the employment of workers from abroad in the Czech Republic and from the Czech Republic abroad.

(2) The Government employment policy is developed by the Government with the participation of other entities involved in the labour market, in particular employers and the trades unions; the Government implements the Government employment policy in coordination with other entities involved in the labour market, in particular the self-governing territorial units, professional organizations, organizations for the disabled and employers' organizations.

(3) Public administration of the Government employment policy in the Czech Republic is carried out by

- a) the Ministry of Labour and Social Affairs (hereinafter referred to as the "Ministry"),
- b) the Labour Office of the Czech Republic (hereinafter referred to as the "Labour Office")<sup>75)</sup>

### Section 3

#### **Participants in Legal Relations**

(1) Under the terms of this Act, the participants in legal relations are

- a) the Czech Republic, represented by the Ministry and the Labour Office,
- b) natural persons who are able to be employed; 2) natural persons are citizens of the Czech Republic and, under the same conditions, foreign nationals 3) who comply with the conditions for employment set forth in this Act,
- c) employers; 4) branches of foreign corporations or foreign natural persons authorized to conduct business on the territory of the Czech Republic in accordance with special legal regulations, 5) are also deemed to be employers
- d) legal entities and natural persons and other entities in accordance with special legal regulations 6) conducting activities pursuant to this Act.

(2) Citizens of other European Union Member States (hereinafter referred to as "European Union citizens") and their family members 7) shall have the same status in the legal relations regulated by this Act as citizens of the Czech Republic, unless otherwise stated by this Act.

(3) The family members of the citizen of the Czech Republic who are neither citizens of the Czech Republic nor citizens of other member state of the European Union, have equal standing in the legal relationships as the citizen of the Czech Republic, unless provided otherwise in this Act.

### Section 4

#### **Equality and Non-Discrimination in Exercising Right to Employment**

(1) Participants in legal relations pursuant to Section 3 paragraph 1a), c) and d) shall ensure equal treatment of all natural persons exercising their right to employment.

(2) Any form of discrimination of persons exercising their right to employment is prohibited 8).

### Section 5

#### **Description of Certain Terms**

For the purposes of this Act, the following terms shall be understood as below

a) identification data

- 1. for natural persons, this means the name, or names, surname, maiden name if applicable, citizenship, birth number or date and place of birth if no birth number has been allocated, address,
- 2. for legal entities, this means the name of the company, the headquarters and identification number,
- 3. for natural persons conducting business, 8) the company name or name, or eventually names, surname, birth number, place of business, company identification number, if one has been issued,
- 4. for foreign corporations the information set forth in points 2 or 3 and the location of the company's branches in the Czech Republic,

b) residence

- 1. for Czech nationals, their permanent residence on the territory of the Czech Republic,
- 2. for foreign nationals, 3) who are citizens of the EU Member States or their relatives, or family members of the citizen of the Czech Republic, their permanent or temporary address on the territory of the Czech Republic and if they do not have such an address, the address of their normal place of abode on the territory of the Czech Republic,
- 3. for foreign nationals, 3) who are not citizens of the EU Member States or their relatives, or family

members of the citizens of the Czech Republic, their permanent address on the territory of the Czech Republic,

4. for a foreign national<sup>3)</sup>, who is not the citizen of the European Union or his family member, or a family member of the citizen of the Czech Republic, and who is a holder of long-term residence permit to perform job on a position requiring high qualification (hereinafter referred to as the „blue card“), issued under special regulation 72a), the address given as the place of residence in the agenda-based information system of foreign nationals ([Section 147c](#)),

c) serious reasons shall include

1. essential personal care of a child under the age of 4 years,
2. essential personal care of a natural person who is deemed to be a person dependent on the help of other natural persons, and classified as grade II (moderate dependency), grade III (severe dependency) or grade IV (total dependency) pursuant to a special legal regulation 3a), provided he/she permanently resides with the job seeker and they both contribute to their common needs; these conditions shall not be required if this person is deemed to be a “close person” for the purposes of pension insurance,
3. pre-school attendance of a child and compulsory school attendance of a child,
4. the location or type of employment of a second spouse or registered partner,
5. termination of employment with immediate effect under [Section 56](#), of the Labour Code,
6. health reasons, which are deemed by a doctor to prevent performance of the employment or compliance with the obligation to cooperate with the Labour Office – the regional branch of the Labour Office for the capital city of Prague (hereinafter referred to as „regional branch of the Labour Office”) in brokering employment, or
7. other serious personal reasons, such as ethical, moral or religious reasons, or reason worthy of consideration,

d) systematic training for a future career during daily studies at secondary school, conservator, tertiary technical school and language school entitled to hold state language examination during daily studies at tertiary schools 9), including holidays that are part of the school or academic year,

e) illegal work,

1. performance of dependant work<sup>81)</sup> by natural person outside the labour law relationship<sup>82)</sup>, or
2. when a natural person – a foreign national performs work in contradiction with the issued work permit or without this permit, if such permit is required pursuant to this Act, or in contradiction with long-term residence permit for issued for the job purposes in special circumstances (hereinafter referred to as the “Green Card”) issued under special regulation<sup>9a)</sup> or in contradiction with the Blue Card; this shall not apply to transfers to another job under [Section 41 paragraph 1 c\) of the Labour Code](#),
3. if a natural person-foreign national performs job for a legal entity or natural person without valid residence permit in th territory of the Czech republic, if required under special regulation 3),

f) job, a standardized set of activities according to their usual configuration on the labour market, the performance of which assumes certain specialist and other competence.

### CHAPTER III

#### SCOPE OF AUTHORITY OF THE MINISTRY

##### Section 6

(1) The Ministry regulates and controls the performance of public administration activities and ensures their compliance with the legislation when implementing the Government employment policy. At the same time it

a) draws up a national concept and programmes for the national employment policy, resolves fundamental questions on the market place and adopts a position on proposals that influence national

employment policies drawn up by other central administrative bodies,

b) ensures the preparation of analysis and forecasts of development on the labour market, including international comparisons, takes actions to create harmony between the sources of labour and the need for it in the Czech Republic and adopts measures to coordinate the movement of foreign labour to the territory of the Czech Republic and the movement of domestic labour abroad,

c) administers and funds the Government employment policies, ensures national financing in the area of employment and human resource development in areas of the labour market that are covered by the European Social Fund Programmes, provides project solutions and IT HW and SW systems for the employment sector,

d) promotes the development of international relations and international cooperation in the field of employment and human resources on the labour market, including cooperation with the European union,

e) cooperates with the appropriate public administrative bodies of the EU Member States with regard to posting workers to perform work on the territory of other Member States,

f) ensures the formation and, in accordance with the development on the labour market, updates of the National Occupations System and publishes it in electronic form allowing remote access. It cooperates with administrative bodies and territorial self-government units and takes into consideration proposals of parties active on the labour market. The National Occupations System includes

1. name and number of occupation expressed by code,
2. brief description of occupation,
3. occupation related working activities,
4. qualifications to perform the job, in particular concerning qualification, specialist knowledge and health,
5. other details connected with occupation,

g) for the purposes of employment, maintains a centralized system of records of persons interested in work, job seekers and the disabled for the purpose of employment, foreign nationals, job vacancies, vacancies that can be filled by Green Card holders, employment agencies and records of children to perform artistic, cultural, sport and advertising activities.

g) in a manner allowing remote access, provides authorities that take decisions on the provision of public benefits, aid, subsidies, contributions or that award public contracts, data from the register of natural persons and legal entities, to which a final fine for allowing illegal work to be performed under [Section 5e](#) point 3 was imposed,

h) for the purposes of employment, maintains a centralized system of records of persons interested in work, job seekers and the disabled for the purpose of employment, foreign nationals, job vacancies, vacancies that can be filled by Green Card holders, employment agencies and records of children to perform artistic, cultural, sport and advertising activities and records of natural persons and legal entities, to which a fine for allowing illegal work under [Section 5e](#) point 3 was imposed,

i) assesses risks related to the performance of illegal work under [Section 5 e](#) point 3 and determines risk sectors of economic activities, in which the illegal work is concentrated,

j) annually, by 1 July, it shall present the European Commission with a report on the number of inspections conducted in the previous calendar year in each of the risk sectors, on the results of these inspections and their percentage share to the total number of natural persons and legal entities conducting business in each of the risk sectors.

(2) The records kept pursuant to paragraph 1j) are based on data supplied by the Labour Office and may be used by the Ministry and the Labour Office for the purposes arising from this Act and further for the purposes laid down in special legal regulations; for other purposes, the data shall be used anonymously.

(3) The records of legal entities and natural persons that were fined for allowing illegal to be performed work under [Section 5 e](#)) point 3 shall include

- a) trade name or name of the legal entity or first name, or names and surname of the natural person,
- b) identification number of the legal entity or natural person,
- c) the amount of the fine imposed,
- d) date of entry into force of the decision, by which the fine was imposed.

The data in these records will be kept for the time period, for which the legal entities or natural persons are excluded from the entitlement to public benefits, aid and subsidies, contributions or awards of public contracts.

## CHAPTER IV

### LABOUR OFFICE AND ITS SCOPE OF AUTHORITY

#### Section 7

(1) Organisation scheme of the Labour Office is laid down in a special Act 76).

(2) For the purpose of ensuring cooperation on the labour market, the Labour Office establishes advisory boards, composed principally of representatives of the unions, employers' organizations, cooperative bodies, organizations for the disabled and the regional administrative authorities. The purpose of these advisory boards is to coordinate the implementation of Government employment policies and human resource development in the relevant administrative district. In particular, the advisory boards provide recommendations on the assignment of contributions to employers within the scope of active employment policies, retraining programmes, the organization of advisory activities, measures to support equal treatment for all persons exercising their right to employment and mass layoffs.

(3) The Labour Office creates working groups, mainly composed of representatives of organizations for the disabled and representatives of employers whose workforce includes more than 50% of disabled employees for the purpose of examining suitable forms of work training for the disabled.

#### Section 7a

(1) The Labour Office may determine acts that can be made against the Labour Office through the authorised contact point of public administration. The Labour Office may make acts under this Act through authorised contact point of public administration. The Labour Office will publish the list of acts under the first sentence via means allowing remote access.

(2) The authorised contact point of public administration is the contact point of public administration<sup>77</sup>), with which the Labour Office will conclude an agreement on the possibility to make acts under [paragraph 1](#) through this contact point. The list of authorised contact points of public administration will be published by the Labour Office via means allowing remote access.

(3) The competence of a contact point of public administration, or the competence of the branch of authorised contact point of public administration, through which the act under [paragraph 1](#) will be made, shall be determined by the Labour Office. Should the Labour Office fail to do so, the act under [paragraph 1](#) cannot be made through the authorised contact point of public administration.

(4) The authorised contact point of public administration and its branch, the competence of

which was determined under [paragraph 3](#), must be located in the territory of the administration district of a municipality with extended powers, in which the person making the act under the first sentence of [paragraph 1](#) or the addressee of the act, the act is made against under the second sentence of [paragraph 1](#), has the place of residence or seat, or the place of dwelling. The first sentence shall not apply, if the Labour Office establishes a competence of the authorised contact point of public administration on the basis of an agreement with the person making an act under the first sentence of [paragraph 1](#) or with the addressee of the act under the second sentence of [paragraph 1](#).

(5) The remuneration connected with the making of acts under [paragraph 1](#) shall be paid by the Labour Office to the authorised contact point of public administration. The amount of remuneration and the method of payment shall be established by an agreement under [paragraph 2](#).

## Section 8

The Labour Office – the General Directorate of the Labour Office (hereinafter referred to as the “General Directorate of the Labour Office”)

- a) prepares materials to draw up a concept and programs for the development of state employment policy to address important issues on the labour market and opinions concerning the actions that influence the state employment policy, systematically monitors and evaluates the situation on the labour market and takes action to influence labour demand and supply,
- b) cooperates with administrative bodies, territorial self-governing units, social security authorities, bodies to assist those in tangible need, state health administration bodies, employers and other entities in accordance with special legal regulations to create and implement measures connected with the development of the labour market and employment,
- c) adopts measures to support and achieve equality between men and women and between persons without prejudice to their nationality, racial or ethnic origin, persons with disabilities and other groups of persons who have an exacerbated position on the labour market as regards their access to employment, retraining, vocational training and specialized retraining courses and adopts measures to promote the employment of these persons,
- d) cooperates with the Ministry on the promotion of international relationships in the field of employment and human resources on the labour market, including the cooperation with the European Union,
- e) cooperates with international institutions on the fulfilment of obligations in the field of employment arising from the legal regulations of the European Union or under international treaties and coordinates activities within the framework of the European Employment Services,
- f) provides material support to create new jobs and material support for retraining or training of new employees in the framework of investment incentives and ensures other related programs approved by the government,
- g) grants and withdraws permits from natural persons or legal entities to broker employment and maintains records of employment agencies; the data from these records are passed on to the central register maintained by the Ministry,
- h) performs inspection activities to the extent laid down in this Act and the Act on the free movement of services<sup>9b</sup>), including imposing fines,
- i) ensures the publication of, by electronic means allowing remote access, written materials related to the provision of funds from the state budget for instruments and actions of the active employment policy, with the exception of materials containing personal data of natural persons who are not direct recipients of these funds,
- j) establishes manages educational and training centres and work training centres for the disabled,

k) performs other duties arising from this Act and from special legal regulations,

l) provides information to the Ministry of Interior

1. summary of changes in data in the granted permissions to broker employment,

2. summary of fines imposed on legal entities and natural persons that were granted permissions to broker employment, for the breach of obligations arising from the labour law regulations under [Section 126 paragraph 2](#) or other legal regulation78).

#### Section 8a

##### (1) The regional branch of the Labour Office

a) draws up a concept for the development of employment in its administrative district, statistics, analysis and results, systematically monitors and evaluates the situation in the labour market and takes action to influence labour demand and supply; to this end it may seek information from employers regarding their intentions regarding employment development,

b) cooperates with administrative bodies, territorial self-governing units, social security authorities, bodies to assist those in tangible need, state health administration bodies, employers and other entities in accordance with special legal regulations to create and implement measures connected with the development of the labour market and employment,

c) cooperates to create international programmes or programmes including international participation connected with the development of human resources and financing from the European Structural Funds,

d) adopts measures in its administrative district to support and achieve equality between men and women and between persons without prejudice to their nationality, racial or ethnic origin, persons with disabilities and other groups of persons who have an exacerbated position on the labour market as regards their access to employment, retraining, vocational training and specialized retraining courses and adopts measures to promote the employment of these persons,

e) assumes responsibility for and supports projects and measures connected with the development of human resources for the labour market including participation in international programmes and projects, programmes and projects with international participation and programmes financed from the European Structural Funds and, in the scope of employment programmes and European Community programmes, assesses the effectiveness of new instruments for active employment policy,

f) brokers employment for job seekers and persons interested in employment and provides further employment services in accordance with this Act,

g) provides counselling, information and other services in the field of employment to natural persons and employers,

h) ensures that active employment policy instruments are applied in accordance with this Act, provides benefits from active employment policy funds and pays unemployment benefits and retraining allowances,

i) pays employers employing a workforce over 50% of which consists of disabled persons a contribution to support the employment of the disabled,

j) grants permits for children's artistic, cultural, sporting or advertising activities,

k) assesses and decides whether a person is physically disabled, or on whether a person should not be regarded as physically disabled, if it has not undergone medical examination or other specialist examination, while being aware of such an option,

l) maintains, for the purposes of employment, records of job vacancies, records of those interested in work, records of job seekers, records of disabled persons, records of foreign nationals and records of

permits granted for children's artistic, cultural, sporting or advertising activities; and records of natural persons and legal entities that were legitimately fined for allowing illegal work to be performed under [Section 5 e\)](#) point 3; data from these records is transferred to the central records maintained by the Ministry,

m) at the request of the body providing assistance to those in tangible need 12) it provides information

1. on persons listed in the records as job seekers, including the reason for their removal from the register of job seekers,
2. on whether the job seeker is receiving unemployment benefits or a retraining allowance and on its amount,
3. on whether this person requires special help in brokering employment,
4. on whether the person began to perform short-term employment or refused to take up short-term employment brokered by the regional branch of the Labour Office or participate in the targeted program to address employment ([Section 120](#)),
5. on whether the procedure to remove the job seeker from the record of job seekers had been initiated,
6. on whether the job seeker is performing the activity set forth in Section 25 paragraph 3, and information concerning the termination of this activity,
7. on whether the labour law relationship was terminated with the job seeker during 6 month prior to his inclusion in the register of job seekers due to the breach of obligation arising from the legal regulations applicable to the work performed, in a gross manner<sup>33</sup>), or whether the labour law relationship was terminated for similar reason,

n) confirms the period of their entry in the register of job seekers for EU citizens, their family members, and family members of the Czech citizen specified in [Section 3 paragraph 2](#) for the purpose of issuing temporary or permanent residence permits, and the existence of work contracts, agreements for work or agreements on work performed for seasonal workers,

o) performs inspection activities to the extent laid down in this Act and the Act on the free movement of services<sup>9b)</sup>, including imposing fines,

p) provides the State Labour Inspection Office with identification data of employees posted to perform work in the territory of the Czech Republic and identification data of legal entities and natural persons, to which they were posted, necessary for conducting inspections concerning the compliance with working conditions of these employees laid down in other legal regulations regulating working conditions,

q) manages the activity of the European employment services,

r) cooperates in questions of employment, mobility of the workforce and the development of human resources with the territorial self-governing units, the relevant union organizations and employers' organizations,

s) performs other duties arising from this Act and from special legal regulations 13).

(2) The local competence of the regional branch of the Labour Office is governed by the venue where the job is or is to be performed, unless this Act or other legal regulations provides otherwise.

## CHAPTER V

### ASSESSING THE STATE OF HEALTH OF PERSONS AND COOPERATION FROM HEALTH CARE PROVIDERS IN ASSESSING THE STATE OF HEALTH OF PERSONS

#### Section 9

(1) The providers of health services are obliged to, for compensation and at request of the Labour Office, within 15 days from the date when they received the request to examine the state of health of a natural person ([Section 21](#)).

(2) The compensation for procedures under [paragraph 1](#) is governed by the list of medical procedures with point values 14) and other legal regulations 14a). The compensation will be paid by the Labour Office, on the basis of a billing submitted by the health care provider.

Section 9a

**repealed**

Section 9b

**repealed**

## CHAPTER VI

### THE RIGHT TO WORK

Section 10

The right to work is the right of the person who wishes to and is able to work and is applying for work, to work in a labour law relation 15) (hereinafter referred to as "employment"), to the brokering of employment and to the provision of other services under the conditions set forth in this Act.

Section 11

A natural person has the right freely and independently to choose and secure employment and to perform it on the whole territory of the Czech Republic, or he may secure employment abroad.

Section 12

(1) Participants in the legal relations arising in accordance with this Act are prohibited from making offers of employment that

- a) are discriminatory in nature,
- b) do not comply with labour law or service regulations, or
- c) conflict with good morals.

(2) When selecting employees, an employer may not request information concerning their nationality, racial or ethnic origin, political convictions, trades union membership, religion, philosophical opinions, sexual orientation, unless this is in accordance with a special legal regulation 80), nor any information that conflicts with good morals or personal details that are not related to fulfilling the obligations of an employer as set forth in a special legal regulation. At the request of the job seeker, the employer shall be obliged to prove the necessity of acquiring the personal details that have been requested. The selection of employees must guarantee equal opportunities for all natural persons applying for a job. The provisions of Section 4 also apply here.

Section 13

**repealed**

## PART TWO

## EMPLOYMENT INTERMEDIARY SERVICES

### CHAPTER I

#### GENERAL PROVISIONS

##### Section 14

(1) The brokering of employment covers

- a) seeking employment for a person who is applying for work and seeking employees for an employer who is looking for new workers,
- b) the employment of natural persons for the purposes of performing for an employer, which is defined as another legal entity or natural person, which assigns the work and supervises its performance (hereinafter referred to as the "user"),
- c) the provision of advisory and information services in the field of employment opportunities.

(2) A foreigner who is posted by his/her foreign employer to perform work on the territory of the Czech Republic on the basis of a contract with a Czech legal entity or natural person, where the scope of this contract covers the leasing of workers shall also be deemed to be the brokering of employment, pursuant to paragraph 1b.

(3) The following bodies may broker employment under the conditions set forth in this Act

- a) regional branches of the Labour Office,
- b) legal entities or natural persons who are authorized to broker the respective form of employment (hereinafter referred to as "employment agencies").

(4) This shall not affect the rights of natural persons or legal entities established 17) in other European Union Member States for the purpose of brokering employment in accordance with the legislation to provide brokering services on a temporary or isolated basis on the territory of the Czech Republic 18); however, these persons shall be required to notify the Ministry in writing of the details set forth in Section 61, paragraphs 1 or 3, and the period during which they intend to perform this activity at the latest on the day they begin these activities.

(5) Regional branches of the Labour Office may only perform the brokering activities set forth in paragraph 1 a) and c). Employment agencies may also perform the brokering activities set forth in paragraph 1 b).

(6) Regional branches of the Labour Office and employment agencies shall cooperate in brokerage activities under [paragraph 1 a\)](#) a [c\)](#) resolving the situation in the labour market. The Employment agencies may perform the brokerage activities under [paragraph 1 a\)](#) a [c\)](#) also on the basis of an agreement with the Labour Office ([Section 119a](#)).

##### Section 15

Counselling for natural persons focuses on assessing their character, ability and skills and recommending employment, training for a future career, a choice of career or retraining. Counselling for employers focuses on the selection of employees by qualification and character. Information activities cover the provision of information on possible employment and on job vacancies and job seekers.

##### Section 16

Publishing job offers in the media or via electronic media in cases where no direct mediation

takes place between the employer and the natural persons who are seeking work shall not be deemed to constitute brokering employment.

#### Section 17

(1) Personal data concerning natural persons and information concerning employers may only be acquired, processed and communicated for the purposes of brokering employment, provision of contributions for instruments and actions of active employment policy, contribution to support employment of disabled persons and for statistical use. Unless otherwise stipulated in this Act, a special legal regulation shall apply to the processing of personal data.19)

(2) Personal data concerning natural persons, for whom the regional branch of the Labour Office or employment agency is brokering employment or offering other services in accordance with this Act, may only be processed with the approval of the person to whom these data refer.

(3) Permission is not required from the Office for the Protection of Personal Data to process personal data concerning natural persons for whom the regional branch of the Labour Office is brokering employment within the framework of the EU Member States and to hand over this data, or data on the periods during which natural persons from the Czech Republic have been employed in EU Member States and the European Coordination Council, in accordance with a special legal regulation.19)

(4) Permission must be obtained from the Office for the Protection of Personal Data to process personal data concerning natural persons for whom the regional branch of the Labour Office is brokering employment outside the territory of the EU Member States, to process personal data concerning natural persons for whom employment agencies are brokering employment abroad, to hand over these data, or data concerning the periods during which natural persons from the Czech Republic have been employed abroad, in accordance with a special legal regulation. 19)

### CHAPTER II

#### BROKERING EMPLOYMENT BY THE REGIONAL BRANCHES OF THE LABOUR OFFICE

#### Section 18

(1) Regional branches of the Labour Office shall broker employment throughout the Czech Republic; in the cases stipulated in an international treaty, ratified by the Parliament and binding on the Czech Republic, they may broker employment from the territory of the Czech Republic abroad and from other countries to the territory of the Czech Republic. Employment abroad may only be brokered with the approval of the person interested in work or the job seeker.

(2) Labour Offices shall broker employment in accordance with the legal regulations of the European Union regulating the free movement of persons throughout the European Union.20)

(2) Regional branches of the Labour Office shall broker employment in accordance with the legal regulations of the European Union regulating the free movement of persons throughout the European Union.20)

(3) Regional branches of the Labour Office shall broker employment free of charge.

#### Section 19

(1) A natural person may find employment through a regional branch of the Labour Office, either as a person interested in work or a job seeker. A natural person may request information on employment possibilities and job vacancies at any regional branch of the Labour Office.

(2) The regional branch of the Labour Office shall be obliged to inform the person interested in work or the job seeker of their rights and obligations, and particularly of the obligation to cooperate with the regional branch of the Labour Office as required while brokering the employment and of their

obligation to follow the instructions of that branch.

## Section 20

(1) A natural person has the right to be found suitable employment. Suitable employment, unless other stipulated in this Act, is employment

a) which imposes the obligation to pay premiums for pension insurance and contributions to the Government employment policy, 21)

b) whose working hours amount to at least 80% of the standard weekly working hours,22)

c) which is for an indefinite period, or for a fixed term longer than 3 months, and

d) which corresponds to the state of health of the natural person and, as far as possible, to his qualifications, abilities, length of previous employment, housing options and accessibility of the work.

(2) For job seekers who have been entered in the register of job seekers for a period of longer than 1 year, suitable employment also includes employment that

a) complies with the conditions set forth in paragraph 1a), b) and d), or

b) complies with the conditions set forth in paragraph 1 a), c) and d) and whose working hours amount to at least 50% of the standard weekly working hours 22).

(3) For a job seeker who is to be posted for community service, an appropriate job is such a job, the working hours of which shall not exceed the half weekly working hours legally prescribed under [Section 79](#), the Labour Code and a job which is relevant for his health capacity.

## Section 21

(1) A natural person for whom the regional branch of the Labour Office provides services covered by this Act, shall be obliged to provide the regional branch of the Labour Office with information concerning his medical problems to the extent this is required to find suitable employment, retraining and to establish a suitable form of vocational rehabilitation and also to inform them of any disability ([Section 67](#)). If the natural person is prevented from performing any work for health reasons, he shall be obliged to provide a medical opinion 23) from a registering health service provider (paediatrician or general practitioner), or if they have no registering health service provider, an opinion from another health service provider 24) (hereinafter referred to as „registering provider“).

(2) A natural person covered by paragraph 1 above shall be obliged to undergo a medical examination at the request of the regional branch of the Labour Office for the purpose of assessing their state of health

a) at a contractual health care provider designated by the regional branch of the Labour Office 23), if

1. they are requesting a vocational rehabilitation programme or a grant to create a protected job ([Section 75](#)), or

2. they have claimed health reasons preventing them from complying with their obligations as a job seeker or from starting a retraining programme,

3. The medical opinion is a condition for the inclusion of the job seeker into the relevant retraining course,

b) by the appropriate doctor of the provider of preventive care works services 23), if the suitability of the recommended employment has to be assessed from the point of view of his health; in the event the employer has no preventive care works doctor under contract, by the registering provider 24).

(3) The natural person specified in [paragraph 1](#) is further obliged to, for the purposes of

assessing its capacity to perform the occupation, for which it is to be retrained, to undergo psychological examination, if such is required by special legal regulation.

(4) Costs associated with assessing the state of health pursuant to paragraph 2 and psychological examination under [paragraph 3](#) shall be covered by the regional branch of the Labour Office.

## Section 22

### **Persons interested in work**

(1) A person interested in work is a natural person who is interested in finding work and, to that end, requests to be entered on the register of persons interested in work in any regional branch of the Labour Office on the territory of the Czech Republic. The regional branch of the Labour Office will broker a suitable job for the person and may also provide them with retraining.

(2) On receipt of a written request, a person interested in work is entered in the register of persons interested in work.

(3) The regional branch of the Labour Office will remove the person interested in work from the register of persons interested in work on receipt of a written request or in the event the person fails to cooperate with the regional branch of the Labour Office in brokering employment or obstructs it. After removing the person from the register, the regional branch of the Labour Office shall be obliged to block access to any data concerning the person until such time as new reasons arise for reactivating them.

## Section 23

### **The Register of Persons Interested in Work**

The register of persons interested in work contains the identification data of the person, information concerning their qualifications, work experience, interest in a particular type of work and information concerning any medical problems related to brokering employment. Data from the register of persons interested in work shall only be used for the purposes of brokering employment and for statistical use.

### **Job Seekers**

## Section 24

A job seeker is a natural person who personally requests that the regional branch of the Labour Office in whose administrative district they are resident broker suitable employment and, on compliance with the conditions set out in the legislation, is entered into the register of job seekers by the regional branch of the Labour Office.

## Section 25

(1) Unless otherwise stipulated in this Act, a job seeker may only be a natural person who has a place of residence in the territory of the Czech Republic and who is not

a) in labour-law relations or in a service relation, with the exception of those cases set forth in paragraphs 3 and [6](#),

b) a self-employed person; a self-employed person is deemed to be a natural person who, for the purposes of pension insurance pursuant to a special legal regulation 27) is deemed to be a self-employed person,

c) a partner or executive in a limited company or limited partner in limited partnership company or director of generally beneficial association or a head of organisation unit of foreign legal entity who, in

addition to his labour-law relationship with this company, performs work for the company, for which he receives remuneration from the company and his monthly or average monthly remuneration, together with any other earnings (remuneration) pursuant to paragraph 3, is in excess of half the minimum wage,

d) a member of the board of a joint-stock company who, in addition to his labour-law relationship with this company, performs work for the company, for which he receives remuneration from the company and his monthly or average monthly remuneration, together with any other earnings (remuneration) pursuant to paragraph 3, is in excess of half the minimum wage,

e) a member of the supervisory board of a business organisation who, in addition to his labour-law relationship with this company, performs work for the company, for which he receives remuneration from the company and his monthly or average monthly remuneration, together with any other earnings (remuneration) pursuant to paragraph 3, is in excess of half the minimum wage,

f) a member of a cooperative who, in addition to his labour-law relationship with this cooperative, performs work for the cooperative, for which he receives remuneration from the cooperative and his monthly or average monthly remuneration, together with any other earnings (remuneration) pursuant to paragraph 3, is in excess of half the minimum wage,

g) a judge,

h) a member of Parliament or a senator or a member of the European Parliament,

i) a member of the board of a self-governing territorial unit, if he is paid a remuneration as members of the boards of self-governing territorial units, who perform this function as independent members,

j) the President of the Republic,

k) a member of the Government,

l) the President, vice-president or a member of the Supreme Control Office,

m) the Ombudsman or deputy Ombudsman,

n) a member of the Council for radio and television broadcasting, a member of the Council of the Institute for studies of totalitarian regimes, chairman of Energy Regulatory Office or a member of the Council of the Czech Telecommunications Institute, a financial arbitrator or a deputy financial arbitrator,

o) a trustee in bankruptcy or an administrator pursuant to a special legal regulation 28), proxy or receiver pursuant to a special legal regulation,29) for the period during which they perform this activity,

p) a foster-parent who is providing foster care in a facility providing foster care pursuant to a special legal regulation,30) or who receives a remuneration for providing foster care paid to foster parents in special circumstances pursuant to a special legal regulation,30a)

q) gainfully employed abroad, or

r) a natural person following systematic training for a future career, with the exception given in [paragraph 4](#).

(2) A natural person may not become a job seeker during the period when he

a) has been found temporarily unfit for work,

b) is serving a sentence or is in prison, is serving a protective measure of security detention or is in detention awaiting trial,

- c) is receiving maternity benefits during the period up to the birth and 6 weeks after giving birth, or
- d) is an invalid in the third level<sup>32a</sup>), with the exception of a natural person who is an invalid in the third level and is able to perform gainful activity under special conditions<sup>32b</sup>).

(3) Inclusion and management in the register of job seekers is not prevented by

- a) the performance of activities on the basis of a work or service relationship, provided the monthly remuneration does not exceed half the minimum wage, or
- b) the performance of activities on the basis of an agreement for work performed outside a working relationship, provided that the monthly remuneration or average monthly remuneration for the time worked does not exceed half the minimum wage.

A job seeker shall be obliged to declare and substantiate these activities, irrespective of the amount of monthly wage or remuneration, their extent and the amount of his remuneration to the regional branch of the Labour Office when filing an application for employment brokerage or when commencing the performance of these activities at latest, within the time period prescribed by the regional branch of the Labour Office. In the event that more than one activity is performed, the monthly remuneration (wages) shall be added for the purpose of compliance with the condition regarding the monthly remuneration.

(4) The inclusion in the register of job seekers shall not be refused, if a natural person following systematic training for a future career acquired in the decisive period ([Section 41](#)) through employment or other gainful activity a period of pension insurance under other legal regulation 32g) of at least 12 months. The natural person is obliged to inform the regional ranch of the Labour Office of the fact that the natural person follows systematic training for a future career, personally or in writing within 8 days from the commencement date of the systematic training for a future career.

(5) A condition for inclusion and management in the register of job seekers is that the performance of those activities set forth in paragraph 3 should not impede cooperation with the Labour Office in brokering suitable employment and accepting offers of suitable employment.

(6) An employment that is not suitable for the job seeker ([Section 20](#)) and is brokered by the regional branch of the Labour Office for a period of no more than 3 months is also not deemed to constitute an obstacle to inclusion in the register, provided that it is suitable for his state of health (hereinafter referred to as " short-term employment ").

(7) Failure to provide identification data and failure to approve or withdrawal of approval for these data to be used shall constitute an obstacle to inclusion in and management of the register of job seekers ([Section 17 paragraph 2](#)).

(8) The obstacle for inclusion and management in the register of job seekers is, should

- a) a natural person, without giving a serious reason terminate of her own accord or under the agreement with an employer the suitable employment ([Section 20](#)) brokered by the regional branch of the Labour Office , or

- b) an employer terminate the suitable employment with the natural person ([Section 20](#)) brokered by the regional branch of the Labour Office as a result of a breach of an obligation arising from legal regulations concerning the work performed in a gross manner<sup>33</sup>).

In cases under letter a) or b) the natural person may be included, on the basis of a new application, in the register of job seekers after the expiry of 6 month from the date agreed as the commencement date of work, brokered by the regional branch of the Labour Office.

## Section 26

### Inclusion in the Register of Job Seekers

(1) A natural person is included in the register of job seekers on the day a written request to broker employment is submitted. Should a natural person request mediation of employment within 3 working days of terminating his work or other activities, which are set forth in Section 25, paragraph 1, or activities which under the terms of Section 41, paragraph 3 are deemed to substitute for a period of employment, he will be included in the register of job seekers from the day following the termination of his employment or these activities.

(2) The request for mediation of employment contains the identification data of the job seeker and his approval of its use, information concerning his qualifications, work experience, interest in a particular type of employment, and medical problems and any information on restrictions as to the mediation of employment affecting the job seeker.

(3) Should the natural person fail to comply with the conditions for inclusion in the register of job seekers, the regional branch of the Labour Office shall issue a decision to that effect.

### **Register of Job Seekers**

#### **Section 27**

(1) The register of job seekers contains the data provided in the request to mediate employment, as well as data on the process of mediating employment, the cooperation provided by the job application to the regional branch of the Labour Office and services provided within the framework of active employment policies and vocational rehabilitation. Data from the register of job seekers are only intended to be used for the purposes of brokering employment, for statistical purposes and for the purposes stipulated in special legal regulations.

(2) Facts that are decisive for the inclusion or management of the register of job seekers are provided by the job seeker to regional branch of the Labour Office; the job seeker is required to report any changes in these facts personally or in writing at the latest within 8 calendar days. He is required to report personally or in writing, within the same period, the reasons for which he did not attend the regional branch of the Labour Office by the specified date, or at the contact point of public administration specified by the regional branch of the Labour Office .

(3) If the facts decisive for an inclusion or management in the records of job seekers cannot be substantiated otherwise, the regional branch of the Labour Office may allow their substantiation by an affidavit.

(4) A job seeker who changes address during the period he is entered in the register of job seekers and meets the notification obligation under [paragraph 2](#), the regional branch of the Labour Office shall transfer the register of job seekers to the appropriate regional branch of the Labour Office for his new address by the day he changes address.

#### **Section 28**

(1) A job seeker may request the relevant regional branch of the Labour Office ([Section 24](#)) that the regional branch of the Labour Office in whose administrative district he is located for serious reasons broker employment. If the regional branched of the Labour Office agree within 10 calendar days of the submission of the request, brokering of employment and other rights and obligations arising from this Act shall be assumed by the regional branch of the Labour Office in whose administrative district the job seeker is in fact located. If the regional branches of the Labour Office are unable to agree, the General Directorate of the Labour Office shall determine which regional branch of the Labour Office will broker the employment and assume the other rights and obligations arising from this Act.

(2) A job seeker who is obliged to meet an obligation of a job seeker at the contact point of the regional branch of the Labour Office, that was requested to broker employment; the obligations under this sentence can also be met at the contact point of public administration 77) specified by the regional branch of the Labour Office . The job seeker may ask for a change of the contract point in the territory of the regional branch of the Labour Office. Regional branch of the Labour Office shall determine, at

which contact point he shall meet obligations of a job seeker arising from this Act.

## Section 29

### Terminating Management of the Register of Job Seekers

The regional branch of the Labour Office will remove the job seeker from the register of job seekers on the day

- a) when any of the circumstances preventing an inclusion or management in the register of job seekers who are maintained in [Section 25](#) occurred, with the exception of cases set forth in [Section 25 paragraphs 2a\)](#) and [c\)](#), on the basis of a personal or written notification by the job seeker,
- b) a written notification of termination of management of the register of job seekers is submitted to the job seeker, unless a reason for removal from the register of job seekers is given [Section 30](#),
- c) a prison sentence is commenced, or when the service of a protective measure of security detention is commenced,
- d) following the day a job seeker dies or the day following the day the job seeker is declared dead,
- e) following the expiry of 6 months from the date when the job seeker was detained,
- f) of inclusion in the register of job seekers, should the regional branch of the Labour Office subsequently learn of the fact that the job seeker did not have the capacity to enter into legal relationships under [Section 3 paragraph 1 písm. b\)](#),
- g) when the job seeker lost capacity to enter into legal relationships under [Section 3 paragraph 1 písm. b\)](#), or
- h) when the validity of Blue Card terminated or expired.

## Section 30

### Removal from the Register of Job Seekers

(1) The regional branch of the Labour Office shall decide to remove job seekers from the register of job seekers if

- a) any of the facts preventing the inclusion or management in the register of job seekers, which are set forth in [Section 25](#), arises, with the exception of facts set forth in [Section 25 paragraphs 2a\) to c\)](#), and the job seeker fails to meet the notification obligation under [Section 27 paragraph 2](#),
- b) the job seeker without giving serious reasons
  1. fails to meet the obligation prescribed in [Section 25 paragraph 3](#), or
  2. fails to notify, within the time period set in [Section 27 paragraph 2](#) the regional branch of the Labour Office either personally or in writing of other facts that have an influence on his inclusion or management in the register of job seekers, or reasons why he did not appear at the regional branch of the Labour Office or the contact point of public administration within the set time period,
- c) the job seeker is found by a doctor to be incapable of fulfilling his obligations to cooperate with the regional branch of the Labour Office in brokering employment,
- d) the job seeker has withdrawn his consent with the processing of his personal data, or
- e) the job seeker has worked illegally.

(2) The regional branch of the Labour Office shall decide to remove the job seeker from the register of job seekers if, without serious reason, he

- a) refuses to take up a suitable employment ([Section 20](#)),
- b) refuses to commence an agreed retraining programme ([Section 109](#)), fails to attend a retraining course to the determined extent of theoretical and practical preparation, fails to fulfil the study and exercise obligations set by the educational facility conducting the retraining course, or fails to attend the final test to verify the knowledge and skills acquired, or should the job seeker who is continuously kept in the register of job seekers for more than 5 months, refuse the offer of the regional branch of the Labour Office to be retrained,
- c) fails to provide assistance in the preparation of an individual action plan, its update or assessment or fails to conditions set forth in the individual action plan([Section 33 paragraph 2](#)),
- d) refuses the offer to perform community service in the extent of 20 hours weekly in the event that he has been kept in the register of job seekers continuously for more than 2 months,
- e) refuses to undergo a medical examination ([Section 21 paragraph 2](#)), or psychological examination ([Section 21 paragraph 3](#)), or
- f) obstructs cooperation with the regional branch of the Labour Office ([Section 31](#)).

(3) Removal from the register of job seekers shall take place on the day on which one of the facts set forth in [paragraphs 1](#) and [2](#). The decision to remove, pursuant to [paragraph 1a](#)) may not be issued more than 3 years after the day on which the fact preventing the job seeker from being included in the register of job seekers occurred or when the job seeker fails to meet the obligation arising from [paragraph 1 b](#)).

(4) A job seeker who has been removed from the register of job seekers for the reasons set forth in

- a) [paragraph 1a](#)), [b](#)), and [d](#)), may be included again on the basis of a new written request at the end of at least 3 months from the day he was removed from the register of job seekers, unless this Act provides otherwise,
- b) [paragraph 1e](#)) and [paragraph 2](#), may be included again on the basis of a new written request at the end of at least 6 months from the day he was removed from the register of job seekers.

### Section 31

A job seeker obstructs cooperation with the regional branch of the Labour Office , if

- a) he is considered by a doctor to be capable of fulfilling his obligations to the regional branch of the Labour Office, and still fails to fulfil them,
- b) he fails to discuss a recommended job by the deadline established by the regional branch of the Labour Office,
- c) he fails to attend the regional branch of the Labour Office or the contact point of public administration at the agreed time without serious reason [[Section 5 c](#))],
- d) he fails to fulfil the obligations set forth in [Section 21](#), or
- e) other behaviour obstructs the brokerage or commencement of employment.

### Section 32

(1) On termination of inclusion in the register of job seekers, the regional branch of the Labour Office is obliged to issue the job seeker with confirmation of the period of inclusion in the register of job seekers and of providing support for the unemployed and support for retraining.

(2) On termination of inclusion in the register of job seekers ([Section 29](#)) and removal from the register of job seekers ([Section 30](#)), the regional branch of the Labour Office is obliged to block access to data concerning the job seeker until such time as there are fresh reasons to process them.

### Section 33

#### **Increased Care in Brokering Employment**

(1) When brokering employment, additional care is provided to job seekers who so require by reason of their state of health, age, involvement in childcare or for other serious reasons.

(2) The regional branch of the Labour Office, in coordination with the job seeker may draw up an individual action plan that aims to improve the position of the job seeker on the labour market. The individual action plan is a document prepared by the regional branch of the Labour Office in coordination with the jobs seeker. The content of the individual action plan is based on a procedure and timetable for compliance with individual measures aimed to improve the position of the job seeker in the labour market, in accordance with the level of qualification, and possibilities and abilities of the job seeker. The job seeker may ask to draw up the individual action plan at any time during the period when he is kept in the register of job seekers. The individual action plan shall always be prepared by the regional branch of the Labour Office if the job seeker is continuously kept in the register of job seekers for more than 5 months. The job seeker is obliged to cooperate in drawing up the individual action plan, and concerning its updates and assessment with the regional branch of the Labour Office by the set dates and to comply with the conditions laid down therein.

### **Job Vacancies**

#### Section 34

The employer receives the necessary number and breakdown of employees though his own efforts or with the help of the regional branch of the Labour Office, from whom he can request information concerning the situation in the labour market, or possible advice on the selection of suitable employees from the job seekers or the assistance of the employment agencies.

#### Section 35

(1) The employer may inform the relevant regional branch of the Labour Office of job vacancies and their nature ([Section 37](#)). Job vacancies are understood to be newly created or free job positions for which the employer intends to obtain employees or intends to fill them by temporary employees of an employment agency.

(2) The employer may report the information pursuant to [paragraph 1](#) if a special legal regulation so stipulates 32c), also in the local Trades Licensing Office. The Trades Licensing Office will pass the report to the appropriate regional branch of the Labour Office within the specified period 32d).

#### Section 36

**repealed**

#### Section 37

The regional branch of the Labour Office holds records of job vacancies that include identification data of the employer, the basic nature of the job, which defines the type and place of work, the job conditions and requirements set for the job position, basic information concerning work and wage conditions and information whether the job position is reserved or suitable for a disabled person. The record also contains information on whether the job is for an indefinite period or a limited

term and the assumed length of this term. The record may also contain information on accommodation availability, transportation to work and other information the employer requests be made available.

#### Section 37a

(1) The Ministry maintains a central register of free vacancies that may be filled by Green card holders. The central register contains data given in [Section 37](#).

(2) A job vacancy that may be filled by a Green Card holder is a vacancy that

a) has not been filled within 30 days from its notification to the regional branch of the Labour Office, with the exception of vacancies for clerk of territorial self-government units<sup>32)</sup> and vacancies for employees who perform the public administration at administration authorities<sup>32f)</sup>, or

b) were marked by the Ministry of Trade and Industry in the central register of vacancies as a vacancy suitable for key personnel. The employer must give consent to the publication of the vacancy in the central register of vacancies that may be filled by Green card holders.

(3) The representative office of the Czech Republic shall mark in the central register of free vacancies that may be filled by Green card holders that an application for the issuance of the Green Card has been filed or withdrawn, as the case may be. The Ministry of Interior shall mark in the register that an application for the issuance of Green Card has been filed or withdrawn, if the application was made in territory of the Czech Republic, the date when the decision to comply or not to comply with the application was taken, the date when the confirmation that the conditions to issue a Green Card were met is received and date of issuance of the Green Card or date when the proceedings concerning the issuance of the Green Card were closed.

(4) Immediately, following the issuance of confirmation that the conditions to issue the Green Card were met, the Ministry of Interior shall inform the Ministry of identification data of a foreign national who will be issued the Green Card and job vacancy for which the Green Card was issued; at the same time, it shall inform the Ministry by electronic means of the extension of its validity, withdrawal or termination.

(5) The Ministry shall not include in the central register of job vacancies that may be filled by Green Card holders such a vacancy or shall remove the vacancy kept in this register, if this vacancy, if filled by a foreign national, should jeopardize the situation on the labour market; for vacancies suitable for key personnel this can only be done with prior consent of the Minister of Labour and Social Affairs.

#### Section 37b

(1) The Ministry maintains a central register of job vacancies that may be filled by Blue card holders. The central register contains data given in [Section 37](#).

(2) A job vacancy that may be filled by a Blue Card holder is a vacancy that has not been filled within 30 days from its notification to the regional branch of the Labour Office, with the exception of vacancies for clerk of territorial self-government units<sup>32)</sup>e and vacancies for employees who perform the public administration at administration authorities<sup>32f)</sup>s, and at the same time it is a vacancy, the performance of which requires high qualification under special legal regulation<sup>72a)</sup>. The employer must give consent to the publication of the vacancy in the central register of vacancies that may be filled by Blue Card holders.

(3) The representative office of the Czech Republic shall mark in the central register of job vacancies that may be filled by Green card holders that an application for the issuance of the Blue Card has been filed or withdrawn, as the case may be. The Ministry of Interior shall mark, in the register that an application for the issuance of Blue Card has been filed or withdrawn, if the application was made in territory of the Czech Republic, the date when the decision to comply or not to comply with the application was taken, the date when the confirmation that the conditions to issue a Blue Card were met is received and date of issuance of the Blue Card or date when the proceedings concerning

the issuance of the Blue Card were closed. If there is a change in the employer or job description, following the prior consent of the Ministry of Interior<sup>72a</sup>), the Ministry of Interior shall mark in the central register that may be filled by Blue Card holders that an application for consent with a change of the employer was filed, then vacancy for which the consent is required and the date when the consent was given.

(4) Immediately, following the issuance of confirmation that the conditions to issue the Blue Card were met, the Ministry of Interior shall inform the Ministry of identification data of a foreign national who will be issued the Blue Card and job vacancy for which the Green Card was issued; at the same time, it shall inform the Ministry by electronic means of the extension of its validity, withdrawal or termination

(5) The Ministry shall not include in the central register of job vacancies that may be filled by Blue Card holders such a vacancy with the employer who was legitimately fined during the 12 month before the application was made for allowing illegal work to be performed. The Ministry shall not include in the central register of job vacancies that may be filled by Blue Card holder or shall remove the job vacancy kept in this register, if this vacancy, if filled by a foreign national, should jeopardize the situation on the labour market.

### Section 38

The regional branch of the Labour Office offers job vacancies to persons interested in work and job seekers and publishes them, with the authorization of the employer, including publication in electronic media. The regional branch of the Labour Office shall not offer or publish job offers that are discriminatory in nature or which conflict with labour law ([Section 126 paragraph 2](#)) and other legal regulations or which are in conflict with good morals. Neither is the regional branch of the Labour Office obliged to offer and publish offers of job vacancies with employers who have repeatedly and demonstrably failed to comply with the obligations arising from labour law ([Section 126 paragraph 2](#)) or for a breach of an obligation resulting from special legal regulations inspected by the State Labour Inspection Office or district labour inspectorate, for the period of 3 months from the date when the decision on imposing a fine came into force.

## CHAPTER III

### SUPPORT FOR THE UNEMPLOYED AND SUPPORT FOR RETRAINING

#### Section 39

(1) A job seeker has a right to unemployment benefit if he has

a) accrued in the decisive period ([Section 41](#) through employment or other gainful activity the period of pension insurance under special legal regulation<sup>32g</sup>) of at least 12 months (Hereinafter only “previous employment”); should these insurance periods overlap, they are counted only once),

b) requested that the regional branch of the Labour Office at which he is entered in the register of job seekers provide him with unemployment benefit and

c) is not a recipient of an old-age pension on the day on which the unemployment benefit is due to be approved.

(2) The entitlement to unemployment benefit shall not arise to any job seeker, with whom,

a) the labour law relationship was terminated for the breach of an obligation arising from the legal regulations applicable for the job performed in a gross manner<sup>33</sup>) in the last 6 months before his inclusion in the register of job seekers; the same shall apply if other labour law relationship was terminated for similar reasons,

b) the labour law relationship for the breach of other obligation of an employee under [Section 301a](#) in a gross manner<sup>79</sup>) terminated in the last 6 months before his inclusion in the register of job seekers,

c) who has an entitlement to a service rent under special legal regulations<sup>34</sup>), where this would be higher than the unemployment benefit to which the job seeker would be entitled, should he not have the entitlement to the service rent,

d) who, as of the date, as of which the unemployment benefit is to be granted, performs any of the activities under [Section 25 paragraph 3](#).

(3) The regional branch of the Labour Office shall decide whether to award unemployment benefit.

#### Section 40

(1) The entitlement to retraining allowance belongs to a job seeker who attends a retraining course provided by the regional branch of the Labour Office ([Section 109](#)) and is not, as of the date, as of which the retraining allowance is to be granted, a beneficiary of an old-age pension.

(2) The regional branch of the Labour Office shall decide to award a retraining allowance.

(3) A retraining allowance is provided for the entire period of the retraining course, with the exception of period set forth in [Section 44 paragraph 1](#).

#### Section 41

(1) The deciding period for assessing rights to unemployment benefit and retraining allowance is the last 2 years prior to inclusion in the register of job seekers.

(2) If the condition set forth in [Section 39 paragraph 1 a\)](#) is not met by the previous employment, this condition can also be met by inclusion of substitute periods of employment. Previous employment shall not include the period of pension insurance accrued through employment or gainful activity when the job seeker was included in the register of job seekers ([Section 25 paragraph 1](#) and [3](#)) and through short-term employment. Should the period of pension insurance accrued through employment or other gainful activities and the substitute periods of employment overlap, only the period of pension insurance accrued through employment or other gainful activities shall preferentially be counted.

(3) The following periods are deemed to constitute substitute periods of employment

a) preparation of disabled persons for work ([Section 72](#)),

b) drawing an invalidity pension of the third grade,

c) personal care of a child under the age of 4,

d) personal care of a natural person who is, under the terms of a special legal regulation, deemed to be a person dependent on the assistance of another natural person classified as grade II (moderate dependence), grade III (severe dependence) or grade IV (total dependence) 3a), provided he permanently resides with the job seeker and they both contribute to their common needs; these conditions shall not be required if this person is deemed to be a "close person" for the purposes of pension insurance,

e) long-term voluntary service on the basis of a volunteer contract from the posting organization which was accredited by the Ministry of the Interior 35a), or the performance of community service on the basis of a contract on the performance of community service<sup>35b)</sup>, exceeding an average of at least 20 hours in a calendar week,

f) personal care for a natural person up to 10 years of age who is considered, under a special legal regulation, to be a person dependent on the aid of another natural person in the level I (light dependence).

(4) Should the substitute period overlap with the employment set forth in [paragraph 3](#), it shall only be counted once.

#### Section 42

(1) A job seeker may qualify for unemployment benefit if he satisfies the conditions from the day he submits a written request for unemployment benefit.

(2) Facts decisive for the allowance and payment of unemployment benefit shall be evidenced by the job seeker, such as registration card for pension insurance, employment certificate, certificate of average monthly wage, a certificate for other gainful activities, for a self-employed person an attestation of the period of contributions to pension insurance and an assessment base for social security payments and unemployment contributions; any change in these facts must be reported to the regional branch of the Labour Office in writing at the latest within 8 calendar days.

(3) Should the job seeker request the payment of unemployment benefit within at the latest 3 working days of terminating employment or other activities set forth in [Section 25 paragraph 1](#) or activities that are, pursuant to [Section 41 paragraph 3](#) deemed to be a substitute period of employment, unemployment benefit can be conferred from the day following the termination of employment or the activities referred to above.

#### Section 43

(1) Job seekers have a right to unemployment benefits if they satisfy the conditions for the period of support. The period of support for job seekers is as follows

- a) up to 50 years of age 5 months,
- b) between 50 and 55 years of age 8 months,
- c) over 55 years of age 11 months.

(2) The age of the job seeker on the day the application for unemployment benefit was submitted is the deciding date for the length of the period of support.

#### Section 44

(1) Unemployment benefit and retraining allowance shall not be paid to job seekers during the

- a) the provision of an old-age pension,
- b) the provision of health insurance benefits, with the exception of health insurance benefits that are provided to the job seeker on the basis of his the participation in the health insurance based on the performance of activities under [Section 25 paragraph 3](#) or employment under [Section 25 paragraph 6](#),
- c) detention.

(2) During the period set forth in [paragraph 1](#), the regional branch of the Labour Office shall decide to suspend the provision of unemployment benefit or retraining allowance.

(3) Unemployment benefit shall not be paid to a job seeker for the duration of legal relationship, on the basis of which the job seeker performs any of the activities under [Section 25 paragraph 3](#), and during a period in which he is receiving a retraining allowance.

#### Section 44a

For a job seeker who was provided with compensation<sup>73</sup>), gratuity or severance pay<sup>74</sup>) from the last employment under special regulations, the unemployment benefit will be provided after the expiry of the period, which shall be determined according to the number of multiples of average wage or monthly service income, from which the minimum amount of compensation, gratuity or severance pay set by other legal regulations was derived. The provision of unemployment benefits for the entire period specified by this Act is not affected by the provisions of the previous sentence.

#### Section 44b

(1) The Labour Office shall provide a job seeker, on the next following payment date of the employer for the payment of wages or salary or on the date when the labour law or service relationship was terminated, who is entitled to an unemployment benefit, but who was not provided with compensation, gratuity or severance pay following the termination of labour law or service relationship, a compensation for the time period commencing upon his inclusion in the register of job seekers until the expiry of the time period given in [Section 44a](#). The unemployment benefit will be provided to the job seeker following the expiry of the time period, for which the compensation under the first sentence was provided.

(2) The amount of the compensation shall be set as a multiple of the time period, for which the compensation, gratuity or severance pay is granted, and 65 % of the average monthly net wage<sup>15</sup>), that was established with regard to the job seeker and lastly used for labour law purposes during his last concluded employment under labour law regulations<sup>15</sup>); in the event that these labour law regulations did not apply, due to other regulation under special legal regulations, to the last concluded employment, the average monthly wage shall be established for the purposes of unemployment benefit and retraining allowance accordingly under the labour law regulations<sup>15</sup>).

(3) If the job seeker is not able to substantiate the net monthly wage, the compensation shall be provided as multiple of the time period, for which the compensation, gratuity or severance pay is granted, and 0,15 times of the average salary in the national economy for the 1. to 3. quarter of a calendar year preceding the calendar year, on which the job seeker was included in the register of job seekers.

(4) Should the jobs seeker be entitled to compensation only for a portion of a calendar year, the amount of compensation should be established pro rata to the corresponding calendar days, for which the compensation is granted. The final amount will be rounded up to whole Czech crowns.

(5) The decision on the provision of compensation will be taken by the regional branch of the Labour Office .

(6) The regional branch of the Labour Office shall inform the employer of the amount of the compensation paid within 3 working days from the date when the decision comes into force. The employer is obliged to pay the Labour Office the said amount within 10 working days from the date when he receives such information, even if the outstanding severance pay has already been paid. The Labour Office will inform the competent customs authority according to the seat of the employer who is a legal entity or address of residence of the employer who is a natural person of the failure to meet this obligation.

#### Section 45

The right to unemployment benefit shall expire

- a) at the end of the period of support,
- b) on termination of the insertion in the register of job seekers ([Section 29](#)), or
- c) on removal from the register of job seekers ([Section 30](#)).

## Section 46

The period of support shall not include periods

- a) during which the job seeker is drawing health insurance benefits and for this reason was not receiving unemployment benefit [[Section 44 paragraph 1b](#)],
- b) during which the job seeker performs any of activities under [Section 25 paragraph 3](#) and for this reason he was not paid unemployment benefits
- c) when a retraining allowance is being paid ([Section 40](#), [Section 72 paragraph 5](#) and [Section 74 paragraph 2](#)),
- d) detention.

## Section 47

**repealed**

## Section 48

A job seeker who has not exhausted the entire period of support in the past 2 years before being included in the register of job seekers, and who after exhausting part of the period of support before commencing work or performing gainful activity involving the obligation to pay premiums for pension insurance under special regulation 32g) ) for a period of at least 3 months has the right to unemployment benefit for the entire period of support. If the period of employment or gainful activity involving the obligation to pay premiums for pension insurance and Government employment policy contributions was less than 3 months, the job seeker shall have the right to unemployment benefits for the remainder of the period of support. At the same time, the condition concerning the entire period of previous employment must be complied with [[Section 39 paragraph 1 a](#)].

## Section 49

(1) A job seeker who has exhausted the entire period of support in the past 2 years before being included in the register of job seekers has the right to unemployment benefit if he after exhausting this period of support started to work or entered into gainful activity involving the obligation to pay premiums for pension insurance for a period of at least 6 months; this period shall not be required in cases where the job seeker terminated the employment or gainful activity for reasons of health or terminated the employment for reasons set forth in a special legal regulation 36) or because the employer breached a fundamental obligation arising from legal regulations, a collective agreement or agreed working conditions. At the same time, the condition concerning the entire period of previous employment must be complied with [[Section 39 paragraph 1 a](#)].

(2) The period of 6 months pursuant to [paragraph 1](#) shall not include a period of pension insurance accrued through employment of other gainful activity during the period of inclusion in the register of job seekers ([Section 25 paragraph 1](#) and [3](#)) through short-term employment.

## **Level of Unemployment Benefit and Retraining Allowance**

### Section 50

(1) The level of unemployment benefit and retraining allowance is set as a percentage of average net monthly earnings, 37) that was established for the job seeker and lastly used for the labour law purposes during his last terminated employment in the decisive period under the labour law regulations; 38) should not these labour law regulations apply due to the regulation prescribed by special legal regulations for legal relationship, in which he performed the last terminated employment, his average net monthly wage under the labour law regulations will be established for the purposes of unemployment benefits and retraining allowance. 38)

(2) The level of unemployment benefit and retraining allowance for a job seeker who was previously self-employed before being included in the register of job seekers is set as a percentage of the last assessment base (21) for the period under review, calculated on the basis of 1 calendar month.

(3) For the first 2 months of the period of support, the percentage rate for unemployment benefit shall be set at 65 %, for another 2 months of the period of support at 50 % and for the remaining period of support 45 % of the average net monthly earnings or assessment base. If the job seeker terminated the last employment on his own accord without serious reason or by an agreement with the employer, before he was included in the register of job seekers, the percentage rate for unemployment benefit shall be set at 45 % of the average net monthly wage or the assessment base. If the job seeker terminated on his own accord or by an agreement more employments on the same day, of which at least one was terminated for serious reasons, he is entitled to unemployment benefit at the percentage rate of unemployment benefit according to the first sentence. If the job seeker was, before being included in the register of job seekers, self-employed, the provisions of the second sentence shall not apply. The percentage rate of retraining allowance shall be set at 60 % of the average net monthly earnings or assessment base.

(4) If the job seeker terminates more than one employment or an employment and gainful activity involving the obligation to pay premiums for pension insurance on the same day during the period under review, the level of unemployment benefit and retraining allowance shall be based on the amount equal to the sum of the average net monthly earnings or the sum of the net monthly earnings (earnings) and the assessment base.

(5) The calculated level of unemployment benefit and retraining allowance shall be rounded up to the nearest crown.

(6) The maximum rate of unemployment benefit shall be set at 0.58 times the average national wage for the first to the third quarter of the calendar year preceding the calendar year in which the application for unemployment benefit was submitted. The maximum rate of retraining allowance shall be set at 0.65 times the average national wage for the first to the third quarter of the calendar year preceding the calendar year in which the job seeker commenced the retraining.

(7) In the case of a job seeker who has the right to a service rent (34) and at the same time acquires the right to unemployment benefit ([Section 39](#)), the rate of the unemployment benefit shall be set as the difference between the unemployment benefit calculated according to the first sentence of [paragraph 3](#) and the service pension or service rent.

## Section 51

(1) The first 2 months of unemployment benefit for a job seeker shall be set at 0.15 times, for another 2 months in the amount of 0,12 times and the remaining period at 0.11 times the average national wage for the first to third quarters of the calendar year preceding the calendar year in which the application for this support was submitted if

a) he complied with the condition of the period of previous employment [[Section 39 paragraph 1a](#)] by including the substitute period and this period was taken as his last employment,

b) through no fault of his own he is unable to prove the level of his average net monthly earnings or assessment base, or

c) no average net monthly earnings or assessment base can be assessed in his case.

(2) In the cases covered by [paragraph 1](#), retraining allowance for job seekers shall be set at 0.14 times the national average wage for the first to the third quarter of the calendar year preceding the calendar year in which the job seeker commenced the retraining course.

(3) The procedure set out in [paragraphs 1](#) and [2](#) shall not be followed for cases covered by [Section 50 paragraph 4](#), if either the average net earnings or the assessment base is known.

## Section 52

Job seekers whose last gainful activity before submitting an application for unemployment benefit did not involve the obligation to pay premiums for pension insurance, but who fulfil the condition concerning the entire period of previous employment set forth in [Section 39 paragraph 1a](#)), will have their unemployment benefit calculated from the average net monthly earnings or assessment base they achieved in the last employment or other gainful activity that did involve the obligation to pay premiums for pension insurance. The same procedure shall be applied when the job seeker performed gainful activity, which is not period of pension insurance, before the commencement of retraining.

## Section 53

(1) Unemployment benefit and retraining allowances shall be payable in the Czech currency, by transfer to the payment account determined by the job seeker, or in cash, or by the payment functions of social system card, under discretion of the job seeker<sup>83</sup>). The payment method will be chosen by the recipient of the benefit.

(2) Unemployment benefit and retraining allowances shall be payable on the entry into force of the decision to admit them for a period of one month in arrears, at the latest in the following calendar month. In justified cases, payments may be made in advance and cleared against the following payment.

(3) If the conditions for payment of unemployment benefit or retraining allowance have only been met to part of a calendar month, the unemployment benefit or retraining allowance shall be paid as a relative amount corresponding to the number of calendar days for which these conditions were met. The total amount shall be rounded up to the nearest crown.

## Section 54

(1) Should it be discovered at a later date that unemployment benefit or retraining allowance was unjustly withheld from the job seeker, or approved or paid at a lower rate than was due, or approved from a later date than the due date, it shall be approved or increased and made up subsequently. The same procedure shall apply should the competent authority decide that the termination of labour law or other labour relationship given [Section 39 paragraph 2 a\)](#) and [b\)](#) is invalid.

(2) If the job seeker was unjustly withdrawn from the register of job seekers, he is due unemployment benefits provided he complies with the established conditions from the day he was included in the register, unless he requests their allocation from a later date.

(3) The regional branch of the Labour Office shall issue a decision concerning subsequent approval or increase of employment benefit or retraining allowance.

(4) The right to unemployment benefit or retraining allowance, or their individual instalments shall expire 5 years after the day on which they were due or on which the instalments should have been paid.

## Section 55

(1) Should it be discovered at a later date that unemployment benefit or retraining allowance was approved or paid at a higher rate than was due, or was approved or paid unjustly, the regional branch of the Labour Office shall decide to reduce it or to suspend payments from the day following the end of the period for which they were paid.

(2) If the unemployment benefit or retraining allowance was approved and paid unjustly or at a higher rate than was actually due through the fault of the job seeker, particularly because the job

seeker concealed or incorrectly reported certain fundamental facts or failed to comply with his reporting obligations, the job seeker shall be obliged to return the sums that were wrongly accepted.

(3) The regional branch of the Labour Office shall issue a decision concerning the obligation to return unemployment benefit and retraining allowance.

(4) The duty to return unemployment benefit or retraining allowance or their instalments that were wrongly paid or paid at the wrong level shall expire 5 years after the day on which they became due or became due at the rate paid.

#### Section 56

(1) The job seeker shall be obliged to return any unemployment benefit or retraining allowance, or its part, that was received if

a) the relevant body decides that the termination of his labour law relations was invalid and that these relations are still continuing,

b) the relevant body decides that the performance of the other gainful activities set forth in [Section 25 paragraph 1](#) has not terminated,

c) the regional branch of the Labour Office subsequently discovers that he has been registered for an old age pension or a full disability pension for the disabled person in the third disability level, with the exception of disability pension granted to a natural person who is in the third grade and is able to perform gainful activity under special circumstances<sup>32b</sup>), or

d) the regional branch of the Labour Office subsequently discovers that he has received health insurance benefits, with the exception of health insurance benefits, which are provided to the job seeker as a result of his participation in the health insurance based on his performance of activities under [Section 25 paragraph 3](#) or employment under [Section 25 paragraph 6](#).

(2) The job seeker shall be obliged to return unemployment benefit and retraining allowance to the Labour Office for the period during which their payment overlapped with a period

a) of labour relations or the performance of gainful activities, with the exception of those activities set forth in [Section 25 paragraph 6](#),

b) of drawing an old age pension,

c) of drawing a full disability pension for the disabled person of the third disability level, with the exception of a disability pension granted to a natural person, who is a disabled person of the third level and is able to perform gainful activity under special circumstances<sup>32b</sup>), or

d) of receiving health insurance benefits, with the exception of health insurance benefits that are provided to the job seeker as a result of his participation in the health insurance based on the performance of activities under [Section 25 paragraph 3](#) or employment under [Section 25 paragraph 6](#).

(3) The regional branch of the Labour Office issue a decision concerning the obligation to return unemployment benefit and retraining allowance.

(4) The duty to return unemployment benefit or retraining allowance or their parts shall expire 5 years after the day they were approved.

#### Section 57

(1) Foreign nationals shall not be entitled to receive unemployment benefit or retraining allowance, unless an international treaty, ratified by the Parliament and binding on the Czech Republic, declares otherwise.

(2) The level of the average wage for the first to the third quarter of the preceding calendar year shall be declared by the Ministry on the basis of data from the Czech Statistical Office published in the Collection of Laws.

## CHAPTER IV

### BROKERING EMPLOYMENT BY EMPLOYMENT AGENCIES

#### Section 58

(1) Employment agencies may hire out workers on the territory of the Czech Republic or from the Czech Republic abroad, and from abroad to the Czech Republic.

(2) Employment agencies may hire out workers free of charge or for a fee, including a fee for profit. When hiring out workers for a fee, no fee may be demanded of the natural person who has been hired out.

(3) Neither may any deductions be made from the salary or other reward paid to the worker for the work performed be made by the employment agency or the employer when hiring out workers for a fee.

#### Section 58a

(1) The employment agency that was granted the permission to broker employment under [Section 14 paragraph 1 b\)](#), is obliged to take out a suretyship insurance in case of insolvency 84) (Hereinafter only the "Insurance"), on the basis of which the temporary employee is entitled to performance should the employment agency fail to pay him the salary for insolvency reasons.

(2) The employment agency is obliged to, under [paragraph 1](#), and in the amount ensuring the payment of the salary up to three times of an average net monthly wage<sup>85)</sup> of all its employees who perform or will perform temporary work with the user. The employment agency is obliged to substantiate the fact that the insurance was taken out to the General Directorate of the Labour Office within 2 months from the date when the decision on the employment brokerage came into force.

(3) The insurance can only be taken out with an insurance company that is entitled to provide suretyship insurance under the insurance act 84).

(4) The compulsory suretyship insurance is governed by the Act on insurance contracts<sup>86)</sup>, unless this Act provides otherwise.

(5) The insolvency of an employment agency must be certified or found through presentation of evidence under the Insolvency Act<sup>87)</sup>.

(6) Prior to the conclusion of insurance contract and at any time during the insurance term, the employment agency is obliged to allow the insurance company at its request to access any document relating to insurance under [paragraph 1](#), and to give explanation with regard to these documents.

(7) The claims of the temporary employee against the employment agency under [paragraph 1](#) or [2](#), shall pass to the insurance company, up to the three times of the average net monthly wage.

(8) The employment agency is obliged to inform the General Directorate of the Labour Office without undue delay of the insurance paid and on the termination of the insurance.

#### Section 59

(1) The employment agencies are obliged to keep records of

a) the number of job vacancies, for which the brokerage of employment is requested under [Section 14 paragraph 1 a\)](#),

b) the natural persons provided,

c) their employees, for whom they broker employment under [Section 14 paragraph 1 b\).](#)

(2) For statistical purposes, employment agencies shall provide the following data for the previous calendar year to the General Directorate of the Labour Office by January 31<sup>st</sup> of the current year

a) the number of job vacancies for which requests were received to hire workers, pursuant to [Section 14 paragraph 1a\),](#)

b) the number of natural persons filling the vacancies, of these the number of job seekers who filled the vacancies on the basis of an agreement with the Labour Office under [Section 119a,](#)

c) the number of their employees who performed temporary work with the user, while the number of citizens of the Czech Republic, the number of the EU citizen, the number of other member states of the EEA and Switzerland and number of other foreign nationals by the nationality will be reported separately.

#### Section 60

(1) Permission to broker employment pursuant to [Section 14 paragraph 3b\)](#) is given by the General Directorate of the Labour Office on the basis of an application by a legal entity or natural person for a

a) permit to broker employment on the territory of the Czech Republic,

b) permit to broker employment for foreign nationals on the territory of the Czech Republic, or

c) permit to broker employment abroad.

(2) A permit to broker employment may be issued to a natural person on condition he is at least 18 years of age, competent to perform legal acts, of good character, professionally competent and resides on the territory of the Czech Republic.

(3) A condition for the employment brokerage to be granted to a natural person defined by the Act on the free movement of services<sup>9b)</sup> is the minimum age of 18 years, legal capacity, integrity, qualification, address of residence in the territory of the Czech Republic and if he has no such address, the address for service on the territory of the Czech Republic.

(4) A natural person and a legal entity shall be deemed to be of good character if he has not been convicted of an intentional criminal act or a criminal act against property.

(5) Good character is attested to by an extract from the Criminal Records, which may not be over 3 months old. In order to prove the integrity, the General Directorate of the Labour Office requires under special regulation that an extract from the Criminal Records be presented. The application for the issuance of an extract from the Criminal Records and the extract from the Criminal Records are presented in electronic form, by means allowing remote access.

(6) A foreign national can support his good character by submitting an equivalent document issued by the state of which he is a citizen, or a state in which he has resided for over 6 consecutive months over the past 3 years, or in the event the country does not issue this type of document, by signing a declaration before the relevant legal body or court of this country. Documents may not be over 3 months old.

(7) A legal entity with the registered office outside the territory of the Czech Republic shall attest its integrity by presenting corresponding documents issued by the state of its residence, as well as states where it has operated in the last 3 years at least for 6 months. The document shall not be

older than 3 months.

(8) A natural person shall be deemed to be professionally competent if he has a university degree and at least two years of professional experience in brokering employment, or in a related field to employment brokering, or who has completed secondary education and has at least five years of professional experience in brokering employment or in a related field to employment brokering.

(9) Recognition of qualifications and experience received outside the territory of the Czech Republic is subject to a special legal regulation.

(10) The condition for the permit to be granted to a legal entity is that the legal entity complies with the integrity condition under [paragraph 4](#), as well as that the conditions under [paragraphs 2, 4 to 6](#) and [8](#) are met by the natural person who performs the function of a liable representative for the purposes of employment brokerage (Hereinafter referred to as "liable representative"). In the event of legal entity defined by the act on the free movement of services<sup>9b</sup>), the condition for the permit for employment brokerage to be granted is that the conditions given in [paragraphs 3 to 6](#) and [8](#) are complied with by the liable representative. A natural person may be nominated as the liable representative only for one legal entity. The natural persons mentioned in the third sentence cannot be at the same time a holder of the permit for employment brokerage as natural person.

(11) Concerning the legal entities or natural persons given in [Section 14 paragraph 4](#), the Labour Office is entitled to review their capacity to perform brokerage activities, should any reasonable suspicion exist that its protected interests are under serious threat or that unauthorized brokering activities are being performed. The Labour Office shall conduct these reviews in accordance with a special legal regulation.

(12) The application for the issuance of employment permit shall be filed with the General Directorate of the Labour Office or through single contact point<sup>9b</sup>).

#### Section 60a

(1) Another condition for the permit for employment brokerage to be granted to a legal entity or natural persons is that the affirmative and binding opinion of the Ministry of Interior, issued on the basis of a request of the General Directorate of the Labour Office, is given. In the request, the General Directorate of the Labour Office, shall state identification data of the natural person and its liable representative, or liable representatives, or natural persons applying for the permit for employment brokerage to be granted. When preparing its binding opinion, the Ministry of Interior shall assess the issuance of permit for employment brokerage from point of view of public order, security and non-infringement of third party rights.

(2) When obtaining the information needed for the issuance of binding opinion under [paragraph 1](#), the Ministry of Interior is authorised to request a copy of an extract from the Criminal Records <sup>39a</sup>) of the applicant-natural person or the person authorised to act on behalf of the applicant-legal entity or its liable representative, or liable representatives, and to request information regarding the said persons from the Police of the Czech Republic, intelligent service or other public administration bodies.

(3) The Ministry of Interior is obliged to deliver its binding opinion concerning the grant of the permit of employment brokerage to the General Directorate of the Labour Office within 15 days from the date when the request for binding opinion was received. Should the Ministry fail to do so within the end of this period, it shall be deemed that its approval with the grant of permit for the employment brokerage is given.

#### Section 61

(1) A legal entity shall provide the following in the application for a permit to broker employment

- a) identification data of the legal entity,
- b) the scope of business,
- c) the type of brokerage ([Section 14 paragraph 1](#)), for which the permit is requested,
- d) the type of employment for which the permit to broker employment is requested,
- e) identification data of the liable representative.

(2) A legal entity shall attach the following to the application

- a) certificates attesting to the good character of the liable representative, should the representative be a foreign natural person, and a certificates attesting to the professional competence of the liable representative,
- b) a declaration by the liable representative that he agrees to take on the function,
- c) the address of the businesses that will carry out the brokerage.

(3) A natural person shall provide the following in the application for a permit to broker employment

- a) identification data of the natural person,
- b) the place and scope of business,
- c) the type of brokerage ([Section 14 paragraph 1](#)), for which the permit is requested,
- d) the type of employment for which the permit to broker employment is requested.

(4) A natural person shall attach the following to the application

- a) an attestation of good character of the foreign natural person,
- b) certificates attesting to his professional competence,
- c) the address of the businesses that will carry out the brokerage.

(5) Documents complying with the conditions set forth in [Section 60 paragraph 2 to 5](#) shall be submitted as certified originals or certified copies 40), unless the act on the free movement of services9b) provides otherwise. Documents in foreign languages shall be submitted along with a sworn translation in Czech, unless otherwise stipulated by the act on the free movement of services9b) or an international treaty, ratified by the Parliament and binding on the Czech Republic.

(6) A legal entity or natural person applying for a permit to broker employment shall submit documentation certifying his compliance with the conditions set forth [paragraphs 1 to 5](#) when submitting the application for a permit to broker employment. The legal entity or natural person is obliged to inform the labour Office of any potential changes that may occur later, within one month at latest. In the event of a change of a liable representative of the legal entity, document on the compliance of conditions given in [Section 60](#) must be submitted. When change of data given in the permit for employment brokerage under [Section 62 paragraph 1 a\)](#) and [b\)](#) and under [Section 62 paragraph 2 a\)](#) occurs, the General Directorate of the Labour Office shall take a new decision.

(7) In the event of a legal entity or natural person specified by the act on the free movement of services 9b), the application for the issuance of a permit for employment brokerage is filed in a form given in [Section 14 paragraph 1 b\)](#) separately.

(8) An administrative fee shall be charged for applications for a permit to broker employment, in accordance with a special legal regulation.<sup>41)</sup>

#### Section 61a

The permit to broker employment in a form given in [Section 14 paragraph 1 a\)](#) a [c\)](#) granted to a legal entity or natural person specified by the act on the free movement of services 9b) shall also be issued by the lapse of time period to no effect and in a manner pursuant to [Section 28](#) to [30](#) of the act on the free movement of services.

#### Section 62

(1) The permit to broker employment issued to a legal entity contains

- a) identification data of the legal entity,
- b) identification data of the liable representative, without his birth number and place of birth,
- c) the type of brokerage and type of employment licensed to be brokered,
- d) the term of validity of the permit.

(2) The permit to broker employment issued to a natural person contains

- a) identification data of the natural person, without his birth number and place of birth,
- b) the type of brokerage and type of employment licensed to be brokered,
- c) the term of validity of the permit.

(3) Permits to broker employment are issued for a maximum term of 3 years, with the exception of a permit to broker employment in a form given in [Section 14 paragraph 1 a\)](#) and [c\)](#), which is issued to legal entities or natural persons to which the act of the free movement of services 9b) applies, for an indefinite period of time. Permits to broker employment issued for a definite period of time may be issued repeatedly.

#### Section 63

(1) The permit to broker employment shall lapse

- a) on the death of the natural person or the dissolution of the legal entity,
  - b) on the removal of a foreign corporation or a branch of a foreign corporation from the Commercial Register,
  - c) at the end of its period of validity, or
  - d) by decision of the General Directorate of the Labour Office to revoke the permit.
- c) brokers employment without insurance taken out under [Section 58a](#) or should he fail to submit to the General Directorate of the Labour Office within 2 months from the date when the decision on the permit to broker employment came into force a document certifying that the insurance was taken out.

(2) The General Directorate of the Labour Office shall decide to revoke the permit to broker employment if

- a) the legal entity or natural person ceases to comply with the conditions set forth in [Section 60](#) for the permit to broker employment to be granted,

b) the legal entity is imposed a penalty of prohibition of an activity<sup>92</sup>), consisting in the employment brokerage,

c) the legal entity or natural person brokers employment in contradiction with the conditions for brokering employment set forth in this Act or in contradiction with the permit to broker employment that has been issued, or with good morals, or

d) should the legal entity or natural person broker employment without insurance taken out pursuant to [Section 58a](#) or should they fail to submit to the General Directorate of the Labour Office within 2 months from the date when a decision on the permit employment brokerage came into force a document certifying that the insurance was taken out,

e) should the legal entity or natural person breach an obligation imposed on employment agencies by [Section 308](#) or [309](#) of the Labour Code,

f) should the legal entity or natural person repeatedly fail to breach the notification obligation given in [Section 59](#),

g) should the legal entity broker employment during the time period when the activity was suspended under special law 92), or

h) the legal entity or natural person so requests.

(3) The General Directorate of the Labour Office shall, on the basis of an incentive of the Ministry of Interior, initiate proceedings regarding the withdrawal of permit to broker employment from a legal entity or natural person. In these proceedings, the Ministry of Interior, shall give new opinion under [Section 60a](#). The General Directorate of the Labour Office on the basis of negative opinion of the Ministry of Interior shall, by its decision, withdraw the permit to broker employment from a legal entity or natural person.

(4) If the permit to broker employment has been revoked for the reasons set forth in [paragraph 2a\) to g\)](#), and in [paragraph 3](#), the legal entity or natural person can request the issue of a permit to broker employment at the earliest 3 years after the date the decision to revoke the permit to broker employment came into force.

(5) In its decision on the withdrawal of a permit to broker employment for reasons given in [paragraphs 2](#) and [3](#) the General Directorate of the Labour Office shall set a date, as of which the legal entity or natural person is obliged to terminate the brokerage activities. Following the date when the decision on the withdrawal of a permit to broker employment is received, the legal entity or natural person whose permit to broker employment was withdrawn, is authorised to perform only such activities, which are not in contradiction with the purpose of the decision taken.

#### Section 64

The Government may issue a decree to establish types of work for which the employment agency may not hire out temporary workers to work for the user.

#### Section 65

The Labour Office shall keep records of employment agencies that have been issued permits to broker employment. The records contain the information set forth in [Section 62](#), the address of the employment agency and a list of its offices and information if the performance of activities consisting in the brokerage of employment is suspended under special law<sup>92</sup>) with regard to the employment agency. The part of the records that are accessible by the public contain the data set forth in [Section 61 paragraphs 1a\) e\)](#) and in [Section 61 paragraphs 3a\) to d\)](#) apart from the birth number, the date and place of birth and the address and information on the suspension of performance of activities consisting in the brokerage of employment.

## Section 66

### **Brokering employment by hiring out workers to work on a temporary basis for another legal entity or natural person**

Brokering employment by an employment agency, pursuant to [Section 14 paragraph 1b](#)) shall be deemed to be the conclusion of an employment contract or an agreement on working activity between the natural person and the employment agency for the purpose of performing work for the user. The employment agency may only assign its workers to work for the user on a temporary basis on the basis of a written agreement on the temporary assignment of the worker, concluded with the user in accordance with a special legal regulation.<sup>42)</sup> The employment agency may not assign for temporary work with the user such employee who has not been issued a Green Card, Blue Card, or who has not been issued a work permit, or is a disabled person.

## **PART THREE**

### **EMPLOYMENT OF DISABLED PERSONS**

## Section 67

(1) Natural persons with disabilities (hereinafter referred to as „ disabled persons“)are provided with increased protection in the labour market.

(2) Disabled persons are natural persons who are recognized by the social security authorities as

a) in the third level<sup>32a)</sup> (hereinafter referred to as “seriously disabled persons”), or

b) in the first or second level<sup>88)</sup>.

(3) The fact that a person is a disabled person under [paragraph 2](#), is substantiated by a natural person by an expert opinion or confirmation of the social security administration.

(4) The natural persons who are not longer considered by the social security to be disabled, are still deemed to be disabled persons under [paragraph 2 b\)](#) for the period of 12 months following this review.

## Section 68

(1) The regional branch of the Labour Office maintains a record of disabled persons to whom it provides a service pursuant to this Act. The record contains identification data concerning the disabled person, information on his job restrictions and possibilities for reason of his state of health, information on the legal reasons for which he was recognized as a disabled person, and information on vocational rehabilitation provided.

(2) Data from the record of disabled persons are only intended to be used for the purposes of integrating and maintaining these persons in the labour market and for statistical use.

(3) After terminating the provision of services pursuant to this Act or when the natural person ceases to be a disabled person, the regional branch of the Labour Office shall be obliged block access to any information concerning this natural person until such time as new reasons arise for its further processing.

### **Vocational rehabilitation**

## Section 69

(1) Disabled persons shall have the right to vocational rehabilitation. Vocational rehabilitation shall be provided by the regional branch of the Labour Office according to the residence of the disabled person, in coordination with the vocational rehabilitation centre, or it may entrust another legal entity or natural person with the provision of vocational rehabilitation on the basis of a written agreement.

(2) Vocational rehabilitation is a continuous activity provided by the regional branch of the Labour Office, which also cover any associated costs, at the request of disabled persons, that focuses on helping them to secure and to retain suitable jobs. A request by a disabled person shall contain their identification data; the request shall also contain a document that certifies that they are a disabled person.

(3) Vocational rehabilitation encompasses careers advisory services, selecting a job or other gainful activity, theoretical and practical training for a job or other gainful activity, brokering, maintaining and changing jobs, changing careers and creating suitable conditions to perform the job or other gainful activities.

(4) In cooperation with the disabled person, the regional branch of the Labour Office shall establish an individual plan of vocational rehabilitation, taking account of the person's capabilities, ability to perform a systematic job or other gainful activity and, in view of the situation in the labour market; this is also based on a report from a specialized working group ([Section 7 paragraph 3](#)).

(5) On the recommendation of an attending doctor, issued in the name of a health care provider natural persons who are recognized as being temporarily incapable of working may also be sent for vocational rehabilitation, and on the basis of a recommendation of the district branch of social security administration given as part of medical examination, also natural persons who are not longer disabled. Sending these natural persons for vocational rehabilitation may not conflict with their state of health; the regional branch of the Labour Office shall be obliged to inform the relevant district social security authority in writing of their decision, giving the start date, the place, the daily content and the overall length the vocational rehabilitation is due to last, and to announce its termination in writing within 5 calendar days.

(6) Disabled persons who attend vocational rehabilitation outside their working hours are subject to [Section 101, 245](#) and of the Labour Code; the provisions of [Section 103 to 106 of the Labour Code](#) and [Section 2 to 8 of the Act](#) on ensuring other conditions on safety and health protection at work<sup>42a</sup> apply commensurately.

(7) The Ministry shall stipulate the implementing legal regulation covering the content of the individual plan for vocational rehabilitation, the type of costs associated with the implementation of the vocational rehabilitation and the manner of their payment.

## Section 70

The agreement to provide vocational rehabilitation pursuant to [Section 69 paragraph 1](#) between the Labour Office and a legal entity or natural person shall contain

- a) the identification data of the parties to the agreement,
- b) the identification data of the disabled person for whom the vocational rehabilitation is designed,
- c) the content and length of the vocational rehabilitation,
- d) the place and manner of conducting the vocational rehabilitation,
- e) the manner, amount and payment conditions for the cost of providing vocational rehabilitation,
- f) the manner of monitoring compliance with the agreed conditions,

- g) the manner of verifying the knowledge and skills acquired,
- h) the conditions and dates for clearing payment made against the costs of providing vocational rehabilitation,
- i) an undertaking by the legal entity or natural person to return any payments made, or a part of them, in the event he fails to comply with the agreed conditions, or if they were approved and paid unjustly or approved and paid at a higher rate than was actually due through his fault, and the deadline for their repayment,
- j) the manner of terminating the agreement.

#### Section 71

Theoretical and practical preparation for employment or a gainful activity for a disabled person covers

- a) preparation for a future career pursuant to special legal regulations, 43)
- b) vocational training,
- c) specialized retraining courses.

#### Section 72

(1) Vocational training is a targeted activity that aims to train disabled persons for a suitable job and to acquire the knowledge, skills and habits essential to the performance of the chosen job or other gainful activity. This preparation lasts for up to 24 months.

(2) Vocational training for a disabled person takes place

- a) at the place of work of his employer, which is individually adapted to the state of health of this person; vocational training may take place with the aid of an assistant,
- b) in protected workshops and in protected premises of the legal entity or natural person, or
- c) in educational facilities run by the Government, self-governing territorial units, churches and religious societies, community groups and other legal entities and natural persons.

(3) The Labour Office shall conclude an agreement with the disabled person concerning the vocational training, which shall contain

- a) the identification data of the parties to the agreement,
- b) the content of the vocational training,
- c) the time and place the vocational training is to take place,
- d) the manner of conducting it and the manner of verifying the knowledge and skills acquired,
- e) the manner of terminating the agreement.

(4) A certificate of graduation from the vocational training is the confirmation provided by the legal entity or natural person who provided the vocational training.

(5) A disabled person who does not receive health insurance benefits, an old age pension or wages (salary) or replacement wages (salary) has a right to a retraining allowance during the period of the vocational training and on the basis of a decision by the regional branch of the Labour Office. This person is entitled to a retraining allowance even if they are not included in the register of job seekers.

### Section 73

(1) The Labour Office may cover the costs of vocational training for employers who provide vocational training to disabled persons in their workplace. The Labour Office shall conclude a written agreement with the employer [[Section 72 paragraph 2a](#)] concerning the vocational training provided in the workplace, which shall contain

- a) the identification data of the parties to the agreement,
- b) the identification data of the disabled person for whom the vocational training is designed,
- c) the content and length of the vocational training,
- d) the manner, amount and payment conditions for the cost of providing the vocational training,
- e) the period for which the vocational training will be provided with the aid of an assistant,
- f) the manner of monitoring compliance with the agreed conditions,
- g) the conditions and dates for clearing payment made against the costs of providing the vocational training,
- h) the manner of verifying the knowledge and skills acquired,
- i) an undertaking by the legal entity or natural person to return any payments made, or a part of them, in the event he fails to comply with the agreed conditions, or if they were approved and paid unjustly or approved and paid at a higher rate than was actually due through his fault, and the deadline for their repayment,
- j) the manner of terminating the agreement.

(2) The Labour Office shall conclude a written agreement with a legal entity or natural person [[Section 72 paragraph 2b](#)] and [c](#)] concerning vocational training in the premises of that legal entity or natural person, which, in addition to the information listed in [paragraph 1](#) shall also contain

- a) a description of the work activity for which the vocational training is being conducted,
- b) the basic qualification and condition of health needed for the vocational training,
- c) the location and manner of conducting it,
- d) the extent of the theoretical and practical preparation.

(3) Compensation for damage incurred in relation to the vocational training, which is conducted pursuant to [Section 72 paragraph 2b](#)) and [c](#)), shall be regulated by the Civil Code.

### Section 74

(1) Specialized retraining courses may be organized for disabled persons. These courses take place under the same conditions as retraining ([Section 109](#)).

(2) A disabled person who does not receive health insurance benefits, an old age pension or wages (salary) or replacement wages (salary) has a right to retraining support during the period of these courses and on the basis of a decision by the Labour Office. This person is entitled to retraining support even if they are not included in the register of job seekers.

### **Protected workplaces**

## Section 75

(1) A protected workplace is a workplace created by the employer for a disabled person on the basis of a written agreement with the Labour Office. The Labour Office may subsidise the employer to create the protected workplace. A protected workplace must be operated for a period of at least 3 years. A protected workplace may also be a job vacancy filled with a person with disability, if such workplace is agreed in a written agreement between the employer and the Labour Office. The agreement is concluded for years.

(2) The agreement under the first or fourth sentence of [paragraph 1](#) may not be concluded with an employer who, in the period of 12 months preceding the date when an application under [paragraph 6](#) was filed

- a) made deductions from wage or salary of the employee pursuant to [Section 78 paragraph 2 b\)](#) or [c\)](#),
- b) against whom criminal proceedings were initiated and was indicted of committing a fraud under other special regulation in connection with the provision of a conurbation to support employment of the disabled persons under [Section 78](#),
- c) was legitimately imposed a fine for administrative offence or misdemeanour in the field of employment or labour inspection, or
- d) on whom a complaint for the breach of an obligation under the Labour Code was repeatedly filed.

(3) The agreement under the first or fourth sentence of [paragraph 1](#) may also not be concluded with an employer, if no benefits from his previous activities result for the employment of persons, given their type of disability, on the labour market.

(4) The contribution for creating a protected workplace for a disabled person may amount to a maximum of eight times, and for a seriously disabled person a maximum of twelve times the average national wage for the first to the third quarter of the preceding calendar year. If, on the basis of a single agreement with the Labour Office, the employer creates 10 and more protected workplaces, the contribution for creating one protected workplace for a disabled person may amount to a maximum of ten times and for a seriously disabled person a maximum of fourteen times the average wage referred to above.

(5) The contribution shall be paid on condition the employer is not recorded as not having paid taxes in records maintained by the tax office or customs authorities, has paid all insurance contributions and fines to public health insurance and social security and contributions to the Government employment policy with the exception of cases when payment was approved by instalments and there has been no delay in payment of these instalments or the tax was deferred. The contribution will be provided to the employer for 3 years from the date when the decision on imposition of a fine for illegal work under [Section 5 e\)](#) point 3 came into force.

(6) The application for a contribution to create a protected workplace or application for a contribution to adapt a protected workplace shall contain

- a) the identification data of the employer,
- b) the location and scope of business and
- c) the nature of the protected workplace and their number.

(7) The application for creation of a protected workplace must be accompanied with the document certifying that an account with a bank has been opened and confirmation that the condition given in [paragraph 5](#) has been met, unless the employer shall agree that the Labour Office shall find out that the condition has been complied with under [Section 147b](#) on its own accord and unless the competent tax office or customs authority was released from confidentiality obligation towards the Labour Office for this purpose. The Labour Office may request that other documents be presented if

these are necessary to consider the application. When considering the application, the Labour Office takes into consideration other facts, in particular the situation on the labour market and structure of other contributions and subsidies provided to the employer from public budgets with an aim to prevent the concurrence of contributions and subsidies provided for the same purpose.

(8) The agreement on the creation of a protected workplace shall contain

- a) the identification data of the parties to the agreement,
  - b) the nature of the protected workplace,
  - c) an undertaking by the employer that he will employ a disabled person in the workplace,
  - d) date, following which the protected place will be filled by a disabled person,
  - e) time period, for which the protected place will be filled by a disabled person, including the date, by which the protected place must be filled,
  - f) the amount of the contribution, its description and the method of payment,
  - g) the conditions under which the contribution will be granted,
  - h) the manner of monitoring compliance with the agreed conditions,
  - i) the conditions and dates for clearing payments made,
  - j) an undertaking by the employer to return any contributions made, or a part of them, if such was through his fault provided without reason and in higher rate, than that was actually due, and time period for the contribution to be returned and
  - k) an undertaking by the employer to return any payments made, or a part of them, if such contribution was provided in the period of 12 months prior to the date when the decision on imposition of penalty or allowing illegal work to be performed under [Section 5 e\)](#) point 3 came into force, and time period for the contribution to be returned,
- l) the manner of terminating the agreement.

Depending on the characteristics of the created protected workplace the agreement may contain other provisions, in which the parties are interested.

(9) In the agreement, the Labour Office shall be obliged to distinguish conditions for granting the contribution, the breach of which shall not be a breach of budgetary discipline, and conditions, the breach of which shall entail a liability to pay a penalty pursuant to a special legal regulation 46).

(10) Failure to return the contribution by the due date shall be deemed to be a breach of budgetary discipline 46).

(11) The Labour Office may also conclude an agreement for the creation of a protected workplace with a disabled person who decides to become self-employed. The grant of such a contribution shall be subject to the conditions set forth in [paragraphs 1 to 9](#) analogously and the contribution shall not be refundable if this person ceases to be self-employed for health reasons or in the event of his death.

(12) The agreement on a establishment of a protected workplace may be concluded between the Labour Office and an employer or a disabled self-employed person. The agreement between the Labour Office and the employer shall contain details given in [paragraph 8 a\) to c\), e\), h\)](#) and [k\)](#), the

agreement between the Labour Office and the disabled self-employed person shall contain details pursuant to [paragraph 8 a\)](#) a [b\)](#), [e\)](#), [h\)](#) and [k\)](#).

#### Section 76

(1) The Labour Office may also provide, for a created or established protected workplace on the basis of an agreement with an employer or self-employed person who is a disabled person, a contribution for partial coverage of operating costs of the protected workplace. The agreement may be concluded after the expiry of 12 months from the date when the protected workplace was filled or from the date when the protected workplace was established at earliest.

(2) The contribution for partial coverage of operating costs of the protected workplace shall be provided on condition that the conditions under [Section 75 paragraph 5](#) are complied with as of the date when the application for contribution was filed. The annual amount of the contribution may amount to a maximum of CZK 48,000. The contribution for an employer shall not be provided for the period of 3 years from the date when the decision on imposition of a fine for allowing illegal work to be performed under [Section 5 e\)](#) point 3 came into force.

(3) The condition for partial coverage of operating costs of the protected workplace will not be provided for a workplace created or established outside the workplace of the employer

(4) The application for a contribution for partial coverage of operating costs of protected workplace shall contain

- a) identification data of the employer,
- b) place and line of business, and
- c) a list of protected workplaces and their number.

(5) The application for a contribution for partial coverage of operating costs of a protected workplace must be accompanied with a document that a bank account has been opened and that the conditions set forth in [Section 75 paragraph 5](#) have been complied with pursuant to [Section 147b](#) and unless the competent tax office or customs authority is released from confidentiality obligation towards the Labour Office for this purpose, the Labour Office may request that other documents be presented if these are necessary to consider the application.

(6) The agreement on the creation of a protected workshop shall contain details under [Section 75 paragraph 8 a\)](#), [f\) to l\)](#) and [paragraph 9](#).

#### Section 77

(1) The Ministry shall use an implementing legal regulation to stipulate the nature of protected workplaces, the type of cost for which a contribution to partially cover the operating costs of a protected workplace or protected workshop under [Section 76](#), and the manner of payment of the contribution and other facts decisive for the conclusion of an agreement on creation or establishment of a protected workplace.

(2) The level of the average wage for the first to the third quarter of the preceding calendar year shall be declared by the Ministry on the basis of data from the Czech Statistical Office published in the Collection of Laws.

**Contribution to support the employment of disabled persons in protected workplaces**

(1) Employers whose workforce includes more than 50% of disabled employees in protected workplaces ([Section 75](#)) of the total headcount shall receive a contribution to support the employment of these persons in a form of a partial reimbursement of funds incurred on salaries or wages and other costs. The competent regional branch of the Labour Office to grant this contribution is the regional branch of the Labour Office in whose administrative district the employer, who is a legal entity has its registered office, or in whose administrative district the employer, who is a natural person, has his residence.

(2) The contribution shall reimburse actually incurred funds on salaries or wages in the monthly amount of 75 % of actually incurred funds on salaries and wages of an employee working under employment contracts who is a disabled person, including premiums for social security and contribution for Government employment policy and premiums for public health insurance, that has been deducted by the employer from the assessment base of this employee, however up to CZK 8,000 at maximum. For the purposes of establishing the amount of contribution the actually incurred funds on salaries or wages are adjusted for an amount equal to

a) the wage provided in kind,

b) deductions made from salary or wage intended to satisfy the performance of an employer under [Section 327](#) of the Labour Code, with the exception of deductions made to pay damages, for which the employee is liable, or contribution of an employee for canteen meals under [Section 236](#) of the Labour Code,

c) deductions made from salary or wage intended to satisfy the liabilities of an employee under [Section 146 b\)](#) of the Labour Code, if the deduction from salary is in contradiction with good manners, or

d) compensation for salary or wage provided to the employee when obstacles to work on the side of an employer occur.

(3) Following the expiry of 12 calendar months from the date when the created protected workplace is filled or from the date when the protected workplace is established, the employer may, in his application for a contribution for the next calendar quarter, assert claim for the increase of the contribution for an amount equal to additional substantiated costs incurred by the employer for the employment of disabled persons in the calendar quarter, for which the contribution is requested, however by CZK 2,000 for an employee who is a disabled person at maximum. The increase of the contribution according to the first sentence is not applicable to the protected workplace created or established outside the workplace of the employer.

(4) The contribution shall be paid every quarter in arrears on the basis of an application by the employer that must be submitted to the regional branch of the Labour Office at the latest by the end of the calendar month following the previous calendar quarter. The contribution shall be paid on condition the employer is not recorded as not having paid taxes, has paid all insurance contributions and fines to public health insurance and contributions to the Government employment policy, with the exception of cases when

a) payment was approved by instalments and there has been no delay in payment of these instalments or the tax was deferred, or

b) the sum of all payable arrears as of the last date of the relevant calendar quarter has not exceeded CZK 10,000 and the employer has paid such arrears by the 15<sup>th</sup> day of the calendar month following the calendar quarter, for which the contribution is requested, or has paid the arrears within 5 days from

the date when he learnt of such arrears from the regional branch of the Labour Office if these arrears were discovered under [Section 147b](#) by the Labour Office on its own accord, if such was agreed with the employer and shall release the competent tax office or customs authority from the confidentiality obligation towards the Labour Office; the payment of an underpayment must be substantiated to the regional branch of the Labour Office.

The contribution will not be provided to the employer for the period of 3 years from the date when the decision on imposition of a fine for allowing illegal work to be performed under [Section 5 e\)](#) point 3 comes into force .

(5) The application contains

a) a document evidencing the converted total number of all employees, employees who are disabled persons and employees who are persons with severe disabilities,

b) a name list employees who are disabled persons and employees who are persons with severe disabilities, including the birth certificate number, date of conclusion and termination of employment, health insurance code, funds incurred on salaries or wages, including the paid premiums for social security and contribution for Government employment policy and premiums for public health insurance, and

c) a document evidencing the fact that the employee, for whom the contribution is requested, is a person with disability([Section 67](#)). When the contribution is provided repeatedly, this evidence is included in the application only if a change occurred.

(6) If a contribution is requested by more employers, the contribution will be provided to the employer with whom the employee who is a disabled person concluded the employment contact at earliest. Should this employment terminate during the calendar quarter, the contribution will be pro rata provided to other employer who requested the contribution; if more employers requested the contribution, the first sentence shall apply. Should an employee who is a disabled person conclude an employment contract with more employers who request the contribution on the same date, the contribution for this employee cannot be provided to any of the employers. Should an employee who is a disabled person conclude more employment contracts with the same employer, the contribution is granted monthly in the amount given in [paragraph 2](#). For the purposes of establishing the amount of the contribution, the actually incurred funds on salaries and wages, including premiums for social security and contribution for government employment policy and premiums for public health insurance that have been deducted by the employer from the assessment base of the employee from all employment contracts, are counted.

(7) The contribution may not be provided for an employee with disability

a) for a quarter, in which the Labour Office provided for this employee another contribution, the amount of which is established on the basis of actually incurred funds for salaries or wages of employees, including premiums for social security and contribution for government employment policy and premiums for public health insurance that have been deducted by the employer from the assessment base of the employee, or a contribution for the transfer to new business program ([Section 117](#)),

b) for a quarter, in which the employee, who is a disabled person, was a beneficiary of old-age pension,

c) for a quarter, in which the employee was employed at the protected workplace, for which the contribution to partially cover operating costs of the protected workplace is provided, or

d) for a quarter, in which the employee, with whom the site of an employer was agreed to be the place of work in the employment contract, did not agree with inspections at his place of work ([Section 126 paragraph 3](#)).

(8) Regional branch of the Labour Office shall take decision on

a) the provision of the contribution, if he complies with the conditions for the provision of the

contribution given in [paragraphs 1](#) and [4](#),

b) that the contribution will not be provided, if the conditions given in a) are not complied with,

c) that the contribution will not be provided in an amount equal to the funds incurred on salaries and wages, including premiums for social security and contribution for government employment policy and premiums for public health insurance that have been deducted by the employer from the assessment base of the employees, for which the employer have not provided evidence that they are disabled persons, or for which the contribution cannot be provided under [paragraph 6](#) or [7](#); at the same time the conditions given in a) must be complied with,

d) that the contribution will not be provided in whole or in part equal to the salary or wage that have not been paid and premiums that have not been deducted by the date when the application was filed, or

e) that the increased contribution under [paragraph 3](#) or the part thereof will not be provided in the event that other costs will not be provably associated with the employment of disabled persons,

f) that the contribution will not be provided, if the employer was fined for allowing illegal work under [Section 5 e\)](#) point 3 to be performed and 3 years have not lapsed since the date when the decision on the imposition of this fine came into force.

(9) The contribution is payable within 14 calendar days from the date when the decision comes into force.

(10) The contribution provided or a part thereof must be returned by the employer to the state budget within the prescribed period and through the Labour Office, if the contribution was paid to the employer unjustly or in an incorrect amount; similarly, the employer is obliged to return the contribution if such was provided in the period of 12 months prior to the date when a decision on the imposition of a fine for allowing illegal work under [Section 5 e\)](#) point 3 was provided. The failure to meet this obligation is considered as a breach of budgetary discipline<sup>46</sup>).

(11) In order to establish that the condition of employment of more than 50 % disabled persons of the total headcount under [paragraph 1](#) the average converted number of employees for calendar quarter is decisive.

(12) The method of payment of an average converted number of employees and employees who are disabled persons, for a calendar quarter and types of costs, by the which the contribution is increased under [paragraph 3](#), will be set forth by Ministry by an implementing legal regulation.

(13) The Ministry may, based on the written and well-founded application of the employer, and only in special cases worthy of consideration, release the employer from meeting the obligation set forth in [paragraph 4 b\)](#), concerning the sum of all payable arrears of the employer. The application must be filed with the Ministry by the end of the second calendar quarter, for which the contribution is requested, at latest.

## **Rights and Obligations of Employers and Cooperation with the Labour Office**

### Section 79

Employers have the right to request the following from the regional branches of the Labour Office

a) information and advice in areas related to the employment of disabled persons,

b) assistance in filling jobs that are particularly suitable for disabled persons,

- c) cooperation in creating suitable jobs for disabled persons,
- d) cooperation in arranging person adaptations of workplaces and working conditions for disabled persons.

#### Section 80

Employers shall be obliged

- a) to propagate according to their circumstances and in cooperation with a physician of the provider of labour-medical services possibilities of employment of disabled persons by adjusting individually the workplaces and working conditions for disabled persons,
- b) to cooperate with the regional branch of the Labour Office in providing vocational rehabilitation,
- c) to maintain a record of disabled employees; the record shall contain information concerning the reason for which the person was recognized as being a disabled person ([Section 67 paragraph 2](#)),
- d) to maintain a record of workplaces reserved for disabled persons.

#### Section 81

(1) Employers with a workforce of over 25 employees are obliged to employ disabled persons, in a mandatory proportion of these persons to the total number of the employer's employees. The mandatory proportion is 4 %.

(2) Employers comply with the obligation set forth in [paragraph 1](#) by

- a) employing disabled persons,
- b) purchasing products or services from employers whose workforce includes more than 50% of disabled employees, or awarding orders to these employers or purchasing products or services from disabled persons who are self-employed and do not employ any employees, or awarding orders to these persons, or
- c) by making payments to the state budget,  
or by a combination of the methods set forth in letters a) to c).

(3) The employers and self-employed persons given in [paragraph 2 b\)](#) may for the purposes of meeting obligations specified in [paragraph 1](#) provide in one calendar year only products or services or perform jobs up to the 36 times of the average wage in national economy for the first to third quarter of the preceding calendar year for every adjusted employee with disability employed in the previous calendar year. The employers are obliged to keep records of the performance provided, including identification data of the client and price of the products and services supplied or jobs awarded without value added tax.

(4) In order to determine the number of employees who are disabled persons, and mandatory proportion, the average annual adjusted numbers of employees shall be decisive.

(5) The method of calculation of the average annual adjusted number of employees, the manner of how the limit of the products and services provided or jobs awarded was reached and a method for calculating compliance with mandatory proportion will be set by the Ministry by an implementing regulation.

#### Section 82

(1) The amount of the payment to the state budget pursuant to [Section 81 paragraph 2c\)](#) is 2.5 times the average national monthly wage for the first to the third quarter of the calendar year in which

the obligation to employ the mandatory proportion of disabled persons arose, for each disabled person the employer is obliged to employ. The level of the average wage for the first to the third quarter of the preceding calendar year shall be declared by the Ministry on the basis of data from the Czech Statistical Office published in the Collection of Laws.

(2) The employer shall remit the payment to the state budget pursuant to [paragraph 1](#) by February 15th of the following year through the Labour Office.

(3) Should the employer not fulfil his obligation pursuant to [Section 81 paragraph 1](#), the regional branch of the Labour Office is obliged to remit this payment to the state budget under [paragraph 1](#) in accordance with the Tax Administration Act.50)

(4) The competent customs office for the employer's registered office shall exact the payment to the state budget.

#### Section 83

The employer shall be obliged to report performance of the mandatory proportion of disabled persons employed, including the methods of performance, in writing, to the competent regional branch of the Labour Office, in the territory in which the employer being a legal entity has its registered office, or address if he is a natural person, by February 15th of the following year.

#### Section 84

At the request of the relevant regional branch of the Labour Office administrative offices are obliged to communicate the necessary data to carry out inspections into compliance with the employment of the mandatory proportion of disabled persons.

### PART FOUR

## EMPLOYMENT OF EMPLOYEES FROM ABROAD

### CHAPTER I

#### NOTIFICATION OBLIGATIONS OF THE EMPLOYER WHEN EMPLOYING EMPLOYEES FROM ABROAD

#### Section 85

For the purposes of employment of employees from abroad pursuant to this Act, a foreign national shall be deemed to be a natural person who is not a citizen of the European Union or their family members ([Section 3 paragraph 2](#)) nor family members of citizens of the Czech Republic listed in [Section 3 paragraph 3](#).

#### Section 86

(1) The employer may hire foreign national for job vacancies ([Section 35](#)), which cannot be filled otherwise, if the inform the regional branch of the Labour Office in advance and discuss with the Office their intention to hire foreign nationals, including their number, type of work that they are to perform, and anticipated time of the worked performed.

(2) The prior notification and discussion if the intention to hire foreign nationals is not required for employers who intend to hire a foreign national,

a) who has a work permit regardless of the situation in the labour market ([Section 97](#)),

b) who does not require a work permit ([Section 98](#)),

c) who requests an extension of their work permit pursuant to [Section 94](#), or

d) who will be employed as a Green Card or Blue Card holder.

### **Notification Obligations of the Employer**

#### **Section 87**

(1) Should a citizen of a European Union Member State, his family member ([Section 3 paragraph 2](#)), family member of a citizen of the Czech Republic given in [Section 3 paragraph 3](#), or a foreign national within the meaning of [Section 98 a\) to e\)](#) and [j\) to r\)](#), as not requiring a work permit, take up work, or a foreign national who is required to have a work permit, the employer, or the legal entity or natural person who concluded a contract with a foreign employer, based on which these persons were posted to perform tasks arising from this contact in the territory of the Czech Republic, shall inform the competent regional branch of the Labour Office in writing of this fact no later than on the day when this persons takes up employment. A similar obligation arises in cases when an event occurs when the foreign national no longer needs to have work permit, Green Card or Blue Card to continue his employment, and this notification requirement shall be complied with at the latest within 10 calendar days from the day on which the event eliminating the obligation to have a work permit occurred.

(2) The written notification shall contain data from the records the employer shall be required to keep pursuant to [Section 102 paragraph 2](#). Any amendment to this data must be reported by the employer or the legal entity or physical person who concluded a contract with a foreign employer, based on the persons given in [paragraph 1](#) were posted to perform tasks arising from this contract in the territory of the Czech Republic at the latest within 10 calendar days of the day on which the amendment was made or when he/she learned of it.

(3) The employer, or the legal entity or natural person, who concluded a contract with a foreign employer, based on which the persons given in [paragraph 1](#) were posted to perform tasks arising from this contract in the territory of the Czech Republic, shall inform the competent regional branch of the Labour Office of the termination of their employment or posting within 10 calendar days.

#### **Section 88**

(1) The employer shall inform the competent regional branch of the Labour Office in writing if the foreign national for whom a work permit, Green Card or Blue Card was issued,

a) failed to start work, or

b) terminated their employment before end of the period for which the permit was issued, and if the employment was terminated by a notice of termination for any of the reasons given in [Section 52 a\) to e\) of the Labour Code](#) or by an agreement for the same reasons or by immediate termination under [Section 56 of the Labour Code](#), then also a reason for the termination of employment.

(2) The employer shall comply with his information obligation under [paragraph 1 a\)](#) in the event of a foreign national who was issued Green Card or Blue Card within 45 calendar days from the date when his application for the issuance of Green Card was granted when the conditions for the issuance of Blue Card were met at latest, and in the event of a foreign national who was issued a work permit under [Section 92](#), within 10 calendar days from the date when the foreign national was due to begin his employment at latest. The information obligation under [paragraph 1 b\)](#) must be complied with by the employer within 10 calendar days from the date when the foreign national terminated his employment at latest.

## **CHAPTER II**

### **PERMIT TO EMPLOY FOREIGN NATIONALS**

#### **Section 89**

A foreign national may only be recruited and employed with a valid work permit, and a valid permit to reside on the territory of the Czech Republic or is a Green Card or Blue Card holder, unless otherwise stipulated by this Act; for these purposes employment is deemed to include the performance of tasks arising from the scope of activity of a corporate body procured by a partner, statutory body or a member of a statutory or other body of a corporate body for that corporate body or the member of a cooperative or the member of a statutory or other body of a cooperative for the cooperative. The foreign national who was issued a confirmation that the conditions to issue Green card or Blue Card were met, may take up the employment and continue to be employed for the period commencing on the date when the this confirmation was issued until the proceedings concerning his application for the issuance of Green Card or Blue Card are closed.

#### Section 90

The foreign national shall normally make a written application for a work permit to the regional branch of the Labour Office before his/her arrival on the territory of the Czech Republic in person or through the legal entity or natural person that concluded a contract with a foreign employer, based on which the persons specified in [Section 87 paragraph 1](#) are posted to perform tasks arising from this contract in the territory of the Czech Republic or through the legal entity or natural persons that concluded contract with a foreign employer, based on which the persons specified in [Section 87 paragraph 1](#) were posted to performs tasks arising from this contract in the territory of the Czech Republic.

#### Section 91

(1) The application for a work permit shall contain

- a) identification data of the foreign national,
- b) an address in the country of permanent residence and a postal address,
- c) the passport number and the name of the issuing authority,
- d) identification data of the future employer,
- e) the type of work, place of work and the period during which the work will be performed,
- f) additional data required to perform the work.

(2) The following should be attached to the work permit application

- a) a statement by the employer expressing its intention to employ the foreign national,
- b) certificates attesting to the person's level of qualification for the job required,
- c) other documents relevant for the type of employment or required by an international treaty, ratified by Parliament and binding upon the Czech Republic.

(3) Originals of the documents listed in [paragraph 2](#) shall be attached, along with their officially verified translations in Czech.

#### Section 92

(1) The Labour Office may only issue a work permit to fill a registered job vacancy ([Section 35](#)), which cannot otherwise be filled because of the qualifications required, or a lack of job seekers, and the employer discussed his intention to hire foreign nationals under [Section 86](#) with the regional branch of the Labour Office. The Labour Office shall take account of the situation in the labour market before issuing the work permit.

(2) The regional branch of the Labour Office shall decide on the issue of the work permit.

Permits are issued for a maximum of two years.

(3) The work permit contains

- a) the identification data of the foreign national,
- b) the place of work,
- c) the type of work,
- d) the identification data of the employer for whom the foreign national will perform the work,
- e) the period for which it is issued,
- f) other data required to perform the work.

#### Section 93

**repealed**

#### Section 94

(1) On application by the foreign national, the Labour Office may grant repeated extensions to a work permit, after reviewing the situation in the labour market, however the maximum period of validity is always two years. The foreign national shall submit an application to the competent regional branch of the Labour Office to extend the work permit at the earliest 3 months before and at the latest 30 days before the period of validity of the current work permit expires

(2) The application to extend a work permit contains the same data as the application for a work permit ([Section 91](#)). A statement by the employer expressing its intention to continue to employ the foreign national shall be attached to the application form.

(3) The regional branch of the Labour Office shall issue a decision on whether to extend the work permit.

#### Section 95

(1) A work permit is also required for a foreign national, whose employer is a foreign subject, and is to be by his employer under the contract with the Czech legal entity or natural person posted to perform work in the territory of the Czech Republic in order to perform task arising from this contract.

(2) Before concluding a contract to post foreign nationals to work on the territory of the Czech Republic to perform task arising from this contract, Czech legal entities or natural persons shall hold discussions with the relevant regional branch of the Labour Office particularly concerning the numbers and professions of posted workers and the period of their postings.

(3) The application for a work permit for a posted foreign national shall be filed by the legal entity or natural person, that concluded a contract with a foreign employer, based on which the foreign nationals will be posted to work in the territory of the Czech Republic in order to perform tasks arising from this contract. This person shall responsible for ensuring that the foreign nationals have valid employment and residence permits for the entire period of their posting by the foreign employer.

(4) If the scope of the contract referred to in [paragraph 1](#) covers the lease of workers, the Labour Office may issue work permits for foreign nationals provided their foreign employer was issued a permit to broker employment pursuant to [Section 60 paragraph 1b](#)) and provided the conditions set forth in [Section 92 paragraph 1](#) have also been complied with.

#### Section 96

Work permits shall also be required when the foreign national is seasonal worker employed in activities dependent on seasonal changes, for a maximum of 6 months in one calendar year, provided at least 6 months have passed between the individual periods of employment on the territory of the Czech Republic.

#### Section 97

Compliance with the conditions set forth in [Section 92 paragraph 1](#) shall not be required for the issue of a work permit to foreign nationals

- a) employed on a temporary basis in order to improve their skills and qualifications in their chosen profession (internship), for a period no longer than one year. This term may only be extended by the period necessary to acquire a professional qualification, in compliance with the legislation in force in the Czech Republic,
- b) below 26 years of age engaged on a casual basis for temporary work within the framework of foreign exchange programmes for students and young people in which the Czech Republic is a participant,
- c) who are clerics belonging to a church registered in the Czech Republic or a religious society registered in the Czech Republic,
- d) who are employed in compliance with the terms of an international treaty, ratified by the Parliament and binding upon the Czech Republic,
- e) who have been issued a visa granting them leave of stay, or who have, for the same purpose, been issued a long-term residence permit, 3)
- f) who is an applicant for the issuance of international protection or who was issued a visa exceeding 90 days granting him/her leave of stay<sup>51)</sup> no sooner than 12 months following the days when the application for asylum was filed.

#### Section 98

A work permit, Green Card or Blue Card, shall not be required to employ a foreign national

- a) who has a permanent residency permit,
- b) who is a relative of a member of a diplomatic mission, consular authority or a relative of an employee of an international Government organization with its registered seat in the Czech Republic, provided that reciprocity is assured under an international treaty ratified by the Parliament and binding upon the Czech Republic,
- c) who was granted asylum or additional protection<sup>51)</sup>
- d) whose execution of office on the territory of the Czech Republic does not exceed 7 consecutive calendar days or a total of 30 days in a calendar year and who is at the same time a performing artist, an educator, a member of a university academic staff, a scientist or a member of a research and development staff taking part in a scientific conference or meeting, a pupil or student under the age of 26, an athlete, a person procuring the supply of goods or services in the Czech Republic or a person supplying such services or goods, or a person carrying out assembly works under a commercial agreement, or carrying out warranty and repair work,
- e) who is employed in compliance with the terms of an international treaty, ratified by the Parliament and binding upon the Czech Republic,
- f) who is a member of a rescue unit, rendering aid under an international treaty on mutual aid in removing the effects of accidents and natural disasters and in cases involving the provision of humanitarian aid,

g) employed in international mass transport, provided he/she has been posted by his/her foreign employer to work on the territory of the Czech Republic,

h) accredited in the field of mass media,

i) who is a military or civil member of the armed force of a sending country in accordance with a special Act, 52)

j) who undergoes a continuous training for future career in the territory of the Czech Republic ([Section 5](#)),

k) who has been posted to the Czech Republic within the framework of services provided by an employer based in another European Union Member State, 18)

l) who is residing on the territory of the Czech Republic on the basis of a long-term residence permit for the purpose of reconciliation with his family, if this is the reconciliation of a family with the foreign national in accordance with letter a) or c) 52a),

m) who is residing on the territory of the Czech Republic on the basis of a long-term residence permit issued by another European Union Member State 52b) for the purpose of employment, provided more than 12 months have elapsed since the issue of this permit,

n) who performs continuous educational or scientific activities in the Czech Republic as a pedagogical or academic member of staff at the university or as a scientific, research or development staff member in the public research institution or other research institution under the special legal regulations 52c),

o) who is a graduate of conservatoire having a status of secondary or tertiary technical educational institution under the Education Act or a university graduate under the Universities Act 9),

p) who is residing on the territory of the Czech Republic on the basis of a long-term residence permit for the purpose of reconciliation with his family, if this is the reconciliation of a family with the foreign national with a status of long-term resident in the European Union in the territory or a long-term resident in the European Union in the territory of other member state of the European Union, and who was during his residence in the territory of the Czech Republic employed on the basis of a work permit or Green Card for 12 months at minimum, or

r) who is residing on the territory of the Czech Republic on the basis of a long-term residence permit for the purpose of reconciliation with his family, , if this is the reconciliation of a family with the foreign national with a status of long-term resident in the European Union in the territory – the former holder of Blue Card, or with a status of a long-term resident in the European Union on territory of other member state of the European Union, who is a former Blue Card holder.

#### Section 99

A work permit shall not be issued to a foreign national who

a) has applied to the Czech Republic for asylum, for a period of 12 months after filing the application for asylum, or

b) does not comply with any of the conditions set forth in this Act for the issue of an work permit.

#### Section 100

(1) The work permit shall expire

a) upon the lapse of the period for which it was issued,

b) on termination of employment before the lapse of the period for which it was issued,

- c) upon the lapse of the period during which the foreign national was granted residence, or
- d) should not be the residence permit for the purposes of employment granted, issued or terminated for other reason

(2) The regional branch of the Labour Office may decide to withdraw a work permit if the work performed is in conflict with the terms of the work permit issued, with the exception of performance of other work due to the transfer under [Section 41 paragraph 1 c\) of the Labour Code](#), or if the permit was issued on the basis of incorrect information.

(3) The competent authority of the Czech Republic or the Ministry of Interior shall inform the regional branch of the Labour Office of the fact given in [paragraph 1 d\)](#).

#### Section 101

An administrative fee shall be paid when the application for a work permit and an application for the extension of the work permit is filed in accordance with special legal regulations. 41)

### CHAPTER III

#### RECORDS OF NATIONALS OF EU MEMBERS AND FOREIGN NATIONALS

#### Section 102

(1) The Regional branch of the Labour Office shall keep records of nationals of EU Member States, their family members ([Section 3 paragraph 2](#)) and family members of the citizens of the Czech Republic given in [Section 3 paragraph 3](#), who have taken up work and foreign nationals who have been issued with work permits, records of foreign nationals, who are Green Card or Blue Card holders, and records of foreign nationals who do not require a work permit in accordance with [Section 98a\) to e\)](#) and [j\) to r\)](#). The records shall contain the data listed in [Section 92 paragraph 3](#) as well as the sex of these persons, broken down in terms of the sector (industrial) classification of economic activities, the highest level of academic achievement and the academic qualifications required to perform the work.

(2) The employer shall be obliged to maintain records on nationals of EU Member States, their family members ([Section 3 paragraph 2](#)) and family members of the citizens of the Czech Republic given in [Section 3 paragraph 3](#), and all foreign nationals he/she employs. The same obligation shall apply to a legal entity and natural person that have concluded contract with a foreign employer, on the basis of which the persons given in [Section 87 paragraph 1](#) were posted to perform task arising from the contract in the territory of the Czech Republic. The records shall contain the data listed in [Section 91 paragraph 1a\)](#), b), c) and e) as well as the sex of these persons, broken down in terms of the sector (industrial) classification of economic activities, the highest level of academic achievement, the academic qualifications required to perform the work, the period for which the work permit has been issued and for which he/she has a residence permit, the first day and last day of employment or posting to work by a foreign employer.

(3) The employer is obliged to keep copies of documents certifying the legitimacy of the stay<sup>3)</sup> of a foreign national in the territory of the Czech Republic, for the term of employment and for 3 years from the date when the employment of the foreign national was terminated.

(4) Information on the persons referred to in [paragraph 1](#) and contained in the records of the regional branch of the Labour Office or the employer's records may only be divulged if these persons give their written permission for this, or when so required by a special Act or under an international treaty ratified by the Parliament and binding upon the Czech Republic.

### CHAPTER IV

#### AUTHORIZATION TO ADOPT NATIONAL MEASURES ON EMPLOYMENT

## Section 103

If the published international treaty, the ratification of which was approved by the Parliament of the Czech Republic and which is binding for the Czech Republic, and enable the Czech Republic to fully or partially suspend the application of the EU regulations concerning the access to the labour market, the Government may, under conditions laid down by this international treaty or relevant regulations of the European Union, pass a resolution, towards which state and to what extent the Czech Republic shall apply this option. Government may, under the same condition, pass a resolution laying down the conditions concerning the access to the labour market for citizens of the state concerned.

## PART FIVE

### ACTIVE EMPLOYMENT POLICY

#### CHAPTER I

#### MEASURES AND INSTRUMENTS

## Section 104

(1) The active employment policy is a set of measures designed to ensure the maximum possible employment level. Active employment policy measures are enforced by the Ministry and by Labour Office, which cooperate with other institutions to achieve the desired outcome, taking into due consideration the situation on the labour market.

(2) The instruments used to implement the active employment policy are

- a) retraining,
- b) investment incentives,
- c) community service,
- d) socially beneficial jobs,
- e) a bridging contribution,
- f) contribution for initial training,
- g) contribution upon a switch to a new business programme.

## Section 105

(1) Among the active employment policy measures are also

- a) counselling, which is provided or organized by the regional branch of the Labour Office for the purpose of determining the personal qualities and level of qualification of natural persons in order to choose a career, to broker a suitable employment, to select vocational training for disabled persons and to choose suitable active employment policy instruments,
- b) support for the employment of the disabled persons referred to in Part Three, with the exception of the contribution covered by [Section 78](#),
- c) shared brokerage of employment ([Section 119a](#)),
- d) targeted programmes to help employment ([Section 120](#)).

(2) On the basis of an agreement, the Regional branch of the Labour Office may provide counselling from a specialized facility, such as a pedagogical-psychological clinics and balance diagnostic centres, and defray the costs connected with this activity.

(3) The agreement between the Labour Office and the specialized facility on performing counselling activities must be in writing and contain

- a) the identification data of the parties to the agreement,
- b) the content and scope of the counselling activities,
- c) the location and manner of conducting the counselling activities,
- d) the date on which the counselling will take place,
- e) the cost of the counselling activities, and date and manner of their payment,
- f) an undertaking by the specialized facility to refund any money paid, or part of it, should it fail to comply with the agreed conditions, or if it was paid unjustly or to a higher sum than was due, through its fault, and the deadline and conditions for its repayment,
- g) terms on which the agreement can be terminated.

(4) The Ministry shall specify the nature of the individual counselling activities and the form of counselling and the type of costs associated with it and paid by the Labour Office in the implementing legal regulation.

#### Section 106

In accordance with the needs of the labour market, the Labour Office may test new active employment policy instruments and measures. The conditions for these tests and the costs of new active employment policy instruments and measures shall be approved by the Ministry.

#### Section 107

(1) The active employment policy is financed from state funds and a special legal regulation 46) regulates handling of these funds. These funds can also be used to contribute to regional or national programmes and projects initiated by foreign entities which contribute to increasing employment and to testing new active employment policy instruments and measures.

(2) Contributions to the active employment policy that are made in accordance with parts three and five may not be provided to employers for the same purpose. Neither may contributions be provided to Government organization departments and Government funded organizations.

### CHAPTER II

### RETRAINING

#### Section 108

(1) Retraining means the acquisition of a new qualification or an increase, expansion or intensification of an existing qualification, including the maintenance or renewal of a qualification. The acquisition of a qualification to enhance the job prospects of a natural person with no previous qualifications shall also be deemed to be retraining. The basis for determining the content and scope of retraining is current qualifications, state of health, the skills and experience of the natural person who is to be retrained to acquire new theoretical knowledge and professional skills within the scope of further vocational training.

(2) Retraining may be provided solely by

- a) an establishment which has accredited training programmes pursuant to this Act,
- b) an establishment which has accredited training programmes accordance with a separate legal regulation 52d),
- c) a school in the field of education registered in the register of schools and educational establishments<sup>52e)</sup> or university with accredited training programmes in accordance with a special legal regulation 52f), or
- d) an establishment with training programme in accordance with a separate legal regulation 52g), (hereinafter referred to as “retraining facility”).

(3) The programme accredited by the decision of the Ministry of Education, Youth and Sports on the basis of the labour market needs is the training programme accredited under [paragraph 2 a\)](#). The accreditation is granted on the basis of a written application defining the content and scope of education, forms and methods of training and methods for verification of retraining results. The training programme must conform to the objectives and content of education under special regulations<sup>52f)</sup>. The Ministry of Education, Youth and Sports shall decide on the grant of accreditation within 90 days from the date when the application for accreditation was received. In order to assess the application for accreditation, the Ministry of Education, Youth and Sports may establish an accreditation commission as a advisory body and may request an opinion of the Ministry regarding the situation on the labour market. The accreditation is granted for 3 years fro the date when the decision granting the accreditation comes into force.

(4) The Ministry of Education, Youth and Sports shall decide upon the removal of accreditation, should the retraining facility given in [paragraph 2 a\)](#)

- a) fail to comply with the accredited training programme,
- b) be not able to ensure the adequate quality of education, or
- c) file a request for the withdrawal of accreditation.

(5) The retraining facility given in [paragraph 2 a\)](#) is authorised to issue certificates of retraining with nationwide validity.

(6) A retraining facility which, by agreement with a Labour Office, provides retraining for job seekers or those interested in employment may have the costs incurred in connection with such retraining reimbursed by the Labour Office.

(7) The agreement between the Labour Office and the retraining facility concerning the retraining of the job seeker or person interested in work must be concluded in writing and contain

- a) the identification data of the parties to the agreement,
- b) the work for which the job seeker or person interested in work will be retrained,
- c) the basic qualifications requirements for admission to the retraining programme,
- d) the scope of the theoretical and practical preparation,
- e) the location and manner in which the retraining will be conducted,
- f) the commencement and termination date of the retraining course, the manner of verifying what knowledge and skills have been acquired,

- g) the costs of the retraining course, the date and manner of its payment,
- h) an undertaking by the retraining facility to take out liability insurance against any injuries caused during the retraining programme,
- i) an undertaking by the accredited facility to return any payments made, or a part of them, in the event it fails to comply with the agreed conditions, or if they were approved and paid unjustly or approved and paid at a higher rate than was actually due through its fault, and the deadline for their repayment,
- j) the terms for terminating the agreement.

(8) The Ministry of Education, Youth and Sports in an agreement with the Ministry shall lay down by an implementing legal regulation the requirements of an application for accreditation and organisation of training under retraining programme, the manner of how the training is completed and requirements of retraining certificates.

## Section 109

### **Retraining for job seekers and persons interested in work**

(1) The retraining takes place on the basis of an agreement between the Labour Office and the job seeker or person interested in work, if they require it to enhance their job prospects. The Labour Office shall pay the retraining costs for those participating in the retraining programme and can also offer them a contribution to cover proven necessary expenses connected with the retraining programme. The retraining programme is provided by the competent Labour Office for the residence of the job seeker or person interested in work.

(2) The retraining agreement pursuant to [paragraph 1](#) must be concluded in writing and must contain

- a) the identification data of the parties to the agreement,
- b) the type of work for which the retraining has been provided,
- c) the manner and length of the retraining course, the location,
- d) the conditions for providing a contribution to cover proven necessary expenses connected with the retraining programme,
- e) the manner of verifying the knowledge and skills acquired,
- f) an undertaking from the job seeker or person interested in work to repay the retraining costs if they fail to complete the retraining course, without serious reasons, or refuse to take up a suitable job corresponding to the newly acquired qualification, and the types of costs they shall be obliged to refund to the Labour Office,
- g) an undertaking of the job seeker or person interested in work to pay a pro rata share of the costs or retraining, should he lose the status of a job seeker or a person interested in work during the retraining,
- h) the terms for terminating the agreement.

(3) In the agreement, the Labour Office shall be obliged to distinguish conditions for granting the contribution, the breach of which is not breach of budgetary discipline, and conditions, the breach of which shall not entail liability to pay a penalty pursuant to a special legal regulation 46).

(4) Failure to meet an obligation to return the contribution for the payment of substantiated

necessary cost relating to retraining is a breach of budgetary discipline<sup>46</sup>).

(5) The Ministry shall stipulate the forms of retraining, the types of retraining costs and costs related to it which are covered by the Labour Office in agreement with the Ministry of Schools, Youth and Sport in an implementing legal regulation.

#### Section 109a

(1) The job seeker or a person interested in work may procure retraining by himself and to this end he/she may choose

a) the type of work he wants to be retrained for,

b) retraining facility that is to conduct the retraining ([Section 108 paragraph 2](#)).

(2) The job seeker or person interested in work is obliged to submit evidence to the regional branch of the Labour Office competent according to the place of residence of the job seeker or person interested in work evidencing the price of retraining chosen.

(3) Should the chosen retraining contribute to the employability of the job seeker or person interested in work on the labour market and is suitable given his health condition, the Labour Office may, following the completion of retraining, pay the price for retraining to the retraining facility.

(4) Should the Labour Office pay the price for retraining, it shall give the job seeker or person interested in work, prior to the start of retraining, a confirmation saying that it shall pay the retraining facility upon the presentation of a document certifying that the retraining course was completed the price for retraining. The Labour Office may pay the price for retraining only for the time period when the job seeker or person interested in work is kept with the records of job seekers or persons interested in work.

(5) The Labour Office shall pay the retraining facility the price for retraining or its pro rata share, should the job seeker or person interested in work fail to complete the retraining for serious reasons.

(6) The Labour Office shall pay the retraining facility the price for retraining pursuant to [paragraph 4](#) within 30 calendar days following the presentation of a document certifying that the retraining was successfully completed.

(7) The retraining facility is obliged to immediately inform the regional branch of the Labour Office of the fact that the job seeker or person interested in work fails to perform his training duties set by the retraining facility.

(8) The job seeker or person interested in work is obliged to repay the Labour Office the price for retraining, should he, without giving serious reasons, refuse to take up the job, corresponding to his newly acquired qualification.

(9) The total financial amount to be incurred by the Labour Office for the chosen retraining of a single job seeker or person interested in work shall not exceed in a period of 3 consecutive calendar years from the date when he first entered the chosen retraining the sum of CZK 50,000.

#### Section 110

### **Retraining of Employees**

(1) Retraining may also take place at the employer's premises in the interests of improving his employees' work skills. Retraining of employees takes place on the basis of an agreement concluded between the employer and the employee. The Labour Office may conclude an agreement with the employer for employee retraining entailing an increase, expansion or intensification of an existing qualification. An employer or retraining facility which provides retraining for the employer's employees

may, by agreement with a Labour Office, have the costs of the retraining and costs incurred in connection with such retraining reimbursed by the Labour Office. If a retraining facility provides employee retraining for the employer, an agreement is concluded between the employer and the retraining facility, or between the Labour Office, the employer and the retraining facility.

(2) The agreement on retraining of employees between the Labour Office and the employer, and possibly the retraining facility must be concluded in writing and must contain

- a) the identification data of the parties to the agreement,
- b) the type of work for which the employees are to be retrained,
- c) the basic qualifications required of the employees before being included in the retraining programme,
- d) the scope of the theoretical and practical preparation,
- e) the location and manner of providing the retraining,
- f) the commencement and termination dates of the retraining programme, the manner of verifying the knowledge and skills acquired,
- g) the costs of the retraining programme, the date and manner of their payment,
- h) an undertaking by the employer or retraining facility to return any payments made, or a part of them, in the event he fails to comply with the agreed conditions, or if they were made unjustly or the amount was higher than that due, through their fault, and the deadline for their repayment,
- i) the terms for terminating the agreement.

(3) The agreement on retraining of employees between the employer and employer must be concluded in writing and must contain

- a) the identification data of the parties to the agreement,
- b) the type of work for which the employees are to be retrained,
- c) the scope of the theoretical and practical preparation,
- d) the commencement and termination dates of the retraining programme, the manner of verifying the knowledge and skills acquired.

(4) Retraining of employees consisting of an increase, expansion or intensification of an existing qualification, takes place during working hours and prevents the employee from carrying out their work; the employee shall be due replacement wages for this period, equal to the amount of their average wage. Retraining shall only take place outside working hours if this is essential given the manner in which it is provided.

(5) It is not deemed to be retraining in accordance with [paragraph 1](#) if the employee attends theoretical or practical preparation that

- a) the employer is obliged to provide for the employee following the relevant legal regulations and which the employee is obliged to attend in connection with the performance of his job, or
- b) the employee attends through his own interest, although from the point of view of the work he performs for the employer it is not necessary to change his current qualifications. In this case the appropriate provisions of the labour law regulations regulating the attendance of employees at training and study at work shall apply. 54)

(6) Forms of employee retraining, types of retraining costs and costs associated with it, which are covered by the Labour Office are stipulated by the Ministry in agreement with the Ministry of Schools, Youth and Sports in an implementing legal regulation.

### CHAPTER III

#### INVESTMENT INCENTIVES

##### Section 111

(1) Investment incentives are an active employment policy instrument by which an employer who has been promised an investment incentive pursuant to a special legal regulation, 55) materially supports

- a) the creation of new jobs,
- b) the retraining or training of new employees.

(2) For the purposes of investment incentives, training means theoretical and practical education, acquiring knowledge and skills to enhance the job skills of employees, and corresponding to the requirements set by the employer. Training may also be provided by the employer.

(3) Material support for the creation of new jobs can be provided to an employer who will create new jobs in the area in which the average level of unemployment over the two half-years prior to the date on which the employer submitted his application to receive an investment incentive 55) is at least 50% higher than the average level of unemployment in the Czech Republic. Jobs created from the day on which the application for an investment incentive was submitted shall be included in the overall number of new jobs.

(4) Material support for retraining or training of employees may be provided to the employer as partial reimbursement of the funds that are actually invested into the retraining or training of new employees. The condition of the minimum level of unemployment in the territorial area, set forth in [paragraph 3](#), also applies to the provision of material support for the retraining or training of employees. Employees who have received retraining or training since the day the application for investment incentives was submitted shall be included in the overall number of retrained or trained employees.

(5) Material support for the creation of new jobs and material support for the retraining or training of new employees is provided by the Labour Office. The material support for the creation of new job vacancies or material support for retraining or training of new employees shall not be provided to employers for the period of 3 years from the date when a decision on the imposition of a fine for allowing illegal work to be performed under [Section 5 e\)](#) point 3 came into force.

(6) The agreement to provide material support for the creation of new jobs shall contain

- a) the identification data of the parties to the agreement,
- b) the number and professional structure of the jobs to be created,
- c) the date by which these jobs are to be occupied by an agreed number of employees,
- d) the types of costs against which the material support can be used,
- e) the amount and date for the provision of the material support,
- f) the method of monitoring compliance with the agreed conditions,
- g) the manner and accounting date for the material support,

h) an undertaking by the employer to return any material support, or part of it, should he fail to draw down the material support by the agreed deadline, or if its payment was unjustified or the amount was higher than that due, through his fault, and the deadline and conditions for returning the material support,

i) an undertaking by the employer to return any material support, if the support was provided in the period of 12 months before the decision on the imposition of a fine for allowing illegal work under [Section 5 e](#) point 3 to be performed came in to force, and deadline and conditions for returning the material support,

j) the terms for terminating the agreement.

(7) The agreement to provide material support for the retraining or training of new employees shall contain

a) the identification data of the parties to the agreement,

b) the number of employees to be included in the retraining or training programme,

c) the content of the retraining or training, the manner and length of its performance,

d) the estimated costs of the retraining or training,

e) the date by which the number of employees to be retrained or trained is to be agreed,

f) the types of costs against which the material support can be used,

g) the amount and date for the provision of the material support,

h) the method of monitoring compliance with the agreed conditions,

i) the manner and accounting date for the material support,

j) an undertaking by the employer to return any material support, or part of it, should he fail to draw down the material support by the agreed deadline, or if its payment was unjustified or the amount was higher than that due, through his fault, and the deadline and conditions for returning the material support

k) an undertaking by the employer to return any material support, if the support was provided in the period of 12 months before the decision on the imposition of a fine for allowing illegal work under [Section 5 e](#) point 3 to be performed came in to force, and deadline and conditions for returning the material support,,

l) the terms for terminating the agreement.

(8) Material support for the creation of new jobs and material support for the retraining or training of new employees are specifically earmarked and may not be used for any other purpose than that entered in the agreement for its provision.

(9) Failure to comply with conditions for granting the contribution pursuant to [paragraphs 6 and 7](#) or the failure to return the contribution by the due date shall be deemed to be a breach of budgetary discipline, in accordance with a special legal regulation. 46)

(10) The territorial area means the territory of the district, 11) in which the investment activity is located, or the catchment area. In addition to the district in which the investment activity is located, the catchment area also comprises districts that are located no more than one hour by public transport from the municipality in which the investment activity is located.

(11) For the purposes of providing material support, the average unemployment rate in the catchment area shall only be used for employers who create more than 1,000 new jobs, even when the average unemployment rate in the catchment area is higher than in the district in which the investment activity is located.

(12) The amount of material support for one newly created job and the level of material support for the retraining or training of employees is set by Government regulation depending on the situation in the labour market, the rate of unemployment or other indicators, as is the form in which the material support is provided.

(13) Employers who have received material support in accordance with [paragraph 1](#), may not receive other grants from the active employment policy funds for the same purpose for which the material support was provided for the period of validity of the agreement with the Ministry or the Labour Office.

## CHAPTER IV

### OTHER ACTIVE EMPLOYMENT POLICY INSTRUMENTS

#### Section 112

##### **Community Service**

(1) Community service means part time work opportunities principally involving the maintenance of public areas, the cleaning and maintenance of public buildings and roads or similar activities for a municipality or for Government or civic institutions, which are created by an employer for a maximum of 12 consecutive calendar months, on a renewable basis in order to employ job seekers. Jobs are created on the basis of an agreement with the Labour Office, which may provide the employer with a contribution in return.

(2) A contribution to the amount of the wage base actually paid for an employee placed in this job, may be provided, including premiums for social security and the Government employment policy and premiums for general health care insurance, which the employer has deducted from the assessment base of this employee.

#### Section 113

##### **Socially Beneficial Jobs**

(1) Socially beneficial jobs are jobs that an employer establishes or reserves on the basis of an agreement with the Labour Office and fills with job seekers who cannot find work by other means. A socially beneficial job is also a job that the job seeker has established upon agreement with the Labour Office for the purpose of performing a self-employed activity. A Labour Office can make a contribution to a socially beneficial job.

(2) If more than 5 jobs are to be established, the Labour Office shall be obliged to request that an expert opinion be drawn up.

(3) Provided that in the calendar month preceding the day the application for a contribution was submitted the unemployment rate in that given district did not reach the average unemployment rate for the Czech Republic, the maximum amount of contribution granted for the establishment of one socially beneficial job is four times the national average wage for the first to the third quarter of the preceding calendar year and, when establishing more than 10 jobs on the basis of a single agreement, the amount of the contribution for one socially beneficial job may be a maximum of six times this average wage.

(4) If, in the calendar month preceding the day the application for a contribution was submitted, the unemployment rate in that given district reached the average unemployment rate for

the Czech Republic or exceeded it, the maximum amount of contribution granted for the establishment of one socially beneficial job is six times the national average wage for the first to the third quarter of the preceding calendar year and, when establishing more than 10 jobs on the basis of a single agreement, the amount of the contribution for one socially beneficial job may be a maximum of eight times this average wage.

(5) The contribution granted for the establishment of one socially beneficial job may be provided up to the amount of funds incurred on salaries or wages for one employee hired for one reserved job, including premiums for social security and the Government employment policy and premiums for general health care insurance, which the employer has deducted from the assessment base of this employee. The contribution may be provided for a maximum of 12 months.

(6) The returning of a contribution granted for the establishment of socially beneficial job for the purposes of performance of self-employment may not be requested, should the self-employed person cease to be self-employed for health reasons, or should such person die.

(7) The level of the average wage for the first to the third quarter of the preceding calendar year shall be declared by the Ministry on the basis of data from the Czech Statistical Office published in the Collection of Laws.

#### Section 114

##### **A Bridging Contribution**

(1) The Labour Office may provide a contribution to a person who is self-employed and who has ceased to be a job seeker and who has received a contribution pursuant to [Section 113 paragraph 1](#). The bridging contribution is provided for the payment of operating costs that have arisen and were paid in the period, for which the bridging contribution is provided.

(2) A bridging contribution is provided for a maximum of 5 months in a monthly amount equal to a maximum of 0,25 times the national average wage for the first to third quarter of the calendar year preceding the calendar in which the agreement on bridging contribution was concluded. A contribution may be applied for no later than 30 calendar days after the conclusion of an agreement pursuant to [Section 113 paragraph 1](#). The amount of the national average wage for the first to the third quarter of the previous calendar year is announced by the Ministry on the basis of data from the Czech Statistical Office published in the Collection of Laws.

(3) The bridging contribution is provided as a one-off payment for the entire agreed period and is payable within 30 calendar days following the conclusion the agreement on provision of this contribution.

(4) For operating costs, for which the bridging contribution may not be provided to the self-employed person, the following costs are deemed

a) rent and related services, with the exception of rent for an apartment a related services,

b) transport costs for material and finished products,

c) the costs of repair and maintenance of the building, on which the self-employment activity is conducted, if this building is in ownership of the self-employed person and costs related to the self-employment activity.

(5) Should the costs given in [paragraph 4](#) included the value added tax and the self-employed is not a payer of this tax, the value added tax is considered to be an operating cost.

#### Section 115

**repealed**

## Section 116

### **Contribution for Initial Training**

(1) The Labour Office can provide an employer with a contribution for initial training on the basis of an agreement concluded with it, if the employer recruits a job seeker to whom the regional branch of the Labour Office has devoted special care ([Section 33](#)).

(2) The contribution is provided on the basis of an agreement between the Labour Office and the employer. The contribution can be provided for up to 3 months. The monthly contribution per natural person undergoing initial training may not exceed one half of the minimum wage.

## Section 117

### **Contribution upon a Switch to a new Business Programme**

(1) The Labour Office can provide an employer with a contribution on the basis of an agreement concluded with him if he switches to a new business programme and as a result thereof cannot guarantee work for its employees in the scope of the standard weekly working hours. 22)

(2) The contribution can be provided by way of partial compensation for the wage payable to employees under labour-law regulations. The contribution can be provided for a maximum of 6 months. The monthly contribution per employee may amount to a maximum of one half of the minimum wage.

### **Provision of Contributions**

## Section 118

(1) The employer or natural person shall apply for the provision of contributions for individual active employment policy instruments. The application for a contribution for an individual active employment policy instrument must contain

- a) the identification data of the legal entity or natural person,
- b) the place and scope of business,,
- c) the type of contribution applied for.

(2) The following shall be attached to the application for a contribution for an individual active employment policy instrument

- a) documents attesting to the facts set forth in the application,
- b) confirmation that the applicant is not recorded as not having paid taxes kept on records by the competent tax office or customs authority, has paid all insurance contributions and fines to public health insurance and contributions to the Government employment policy, with the exception of cases when payment was approved by instalments and there has been no delay in payment of these instalments or the tax was deferred, if the applicant gave consent to the Labour Office to find this information under [Section 147b](#) on its own accord and should he not release the competent tax office or customs authority of from the confidentiality obligation towards the Labour Office,
- c) a document confirming that an account has been established in a financial institution.

(3) The regional branch of the Labour Office may also request that additional documentation be submitted, should this be required in order to assess the application.

(4) The regional branch of the Labour Office that keeps on record the job seeker who shall take up the socially beneficial job, shall have local competence for conclusion of the agreement and the provision of contribution for creation ([Section 113 paragraph 1](#) second sentence) or establishment ([Section 113 paragraph 5](#)) of a socially beneficial job.

(5) The contributions under [Section 112 to 114](#), [116](#) or [117](#) shall not be provided to the employer for the period of 3 years from the date when the decision on the imposition of a fine for allowing illegal work to be performed under [Section 5 e\)](#) point 3 came into force.

#### Section 119

(1) The Labour Office concludes a written agreement with employers, with other legal entities and natural persons and other entities regarding the provision of contributions within the scope of the active employment policy, in accordance with special legal regulations 6).

(2) The agreement to provide a contribution shall contain

- a) the identification data of the parties to the agreement,
- b) the purpose of the contribution,
- c) the conditions under which the contribution shall be provided,
- d) the amount of the contribution and the date of its provision,
- e) the method of monitoring compliance with the agreed conditions,
- f) the manner and accounting date for the material support,
- g) an undertaking by the employer to return the contribution, or part of it, if, through his own fault, the payment of the contribution was unjustified or the amount was higher than that due, and the deadline and conditions for returning the contribution
- h) an undertaking by the employer to return the contribution under [Section 112 to 114](#), [116](#) or [117](#) if the contribution was provided in the period of 12 months prior to the date when the decision on the imposition of a fine for allowing work to be performed under [Section 5 e\)](#) point 3 came into force, and the deadline and conditions for returning the contribution,
- i) the terms for terminating the agreement.

(3) Depending on the nature of the individual contributions provided within the framework of the active employment policy, the agreement may also cover other arrangements in which the parties are interested.

(4) In the agreement, the Labour Office shall be obliged to distinguish conditions for granting the contribution, the breach of which is not a breach of budgetary discipline, and conditions, the breach of which shall entail liability to pay a penalty pursuant to a special legal regulation 46).

(5) Failure to return the contribution by the due date shall be deemed to be a breach of budgetary discipline 46).

(6) The Ministry shall stipulate the types of contribution and the manner of providing the contribution in an implementing legal regulation.

#### CHAPTER V

## SHARED BROKERAGE OF EMPLOYMENT

### Section 119a

(1) The regional branch of the Labour Office may broker employment of job seekers through an employment agency (hereinafter referred to as “shared brokerage of employment”).

(2) The regional branch of the Labour Office may include job seekers into the shared brokerage of employment on the basis of an individual action plan ([Section 33 paragraph 2](#)) and with this prior written consent. When selecting the job seekers the situation on the labour market is specifically taken into account.

(3) Concerning the shared brokerage of employment, the Labour Office shall enter into a written agreement with the employment agency, under which the employment agency may receive a contribution

a) for shared brokerage of employment of CZK 5,000 for each job seeker, for whom the employment agency will broker employment,

b) for a placement of a job seeker in employment for the indefinite time period of CZK 1,250 and

c) for the continuous employment of a job seeker in employment for at least 6 months of CZK 500.

(4) The case when the employment agency takes up a job seeker, for whom the agency brokers employment under this agreement, is not considered as brokerage of employment.

(5) The agreement on shared brokerage of employment shall contain

a) identification data of the parties to the agreement,

b) the number of job seekers, for whom the employment agency will broker employment,

c) the time period, for which the employment agency shall broker employment to job seekers; however his period shall not exceed 6 months,

d) the number of job seekers, for whom the employment agency shall broker employment in the period agreed according to letter c),

e) an undertaking of the employment agency to inform the regional branch of the Labour Office by the agreed deadlines on the progress of the employment brokerage,

f) an undertaking of the employment agency to immediately inform the regional branch of the Labour Office of the fact that the job seeker

1. failed to arrive in the agreed time for an interview with the employment agency or the employer in order to negotiate the potential commencement of work,

2. refused the brokered employment,

3. will be taken up in brokered employment, including the date when he commences work,

g) the method of verification of employment brokerage by the regional branch of the Labour Office ,

h) the type of contribution that will be provided to the employment agency,

i) the amount, deadline and method, by which the contribution will be provided,

j) an undertaking of the employment agency to return the contribution, or the part thereof, should the employment agency fail to meet the obligations under letters b) to d), , or if its payment was unjustified or the amount was higher than that due, and the deadline and conditions for returning this contribution, and

k) termination clause.

(6) Depending on the type of contributions provided under [paragraph 3](#), the agreement may contain other provisions, the parties may be interested in. The agreement include a name list of job seekers, for whom the agency is obliged to broker employment.

(7) Failure to return the contribution in the prescribed period is a breach of the budgetary discipline<sup>46</sup>).

(8) The Ministry shall set forth, by an implementing legal regulation

a) a method for passing the information concerning the progress in the employment brokerage and regarding the cooperation of the job seeker with the employment agency,

b) the deadline and a method of payment of contributions under [paragraph 3](#) and

c) the method of selection of the employment agency, with which an agreement on shared brokerage of employment will be concluded.

## CHAPTER VI

### TARGETED PROGRAMMES TO HELP EMPLOYMENT

#### Section 120

(1) Problems of a municipal, district, regional and national nature in the field of employment may be resolved by means of targeted programmes, including international programmes, programmes with international participation and programmes financed from the European Union Structural Funds and other European Union programmes.

(2) A targeted programme shall be understood to be a set of measures intended to increase the possibilities for natural persons or groups thereof to assert themselves on the labour market; part of such a programme is a specification of the conditions for the implementation thereof and a drawdown schedule. National targeted programmes are approved by the Government of the Czech Republic and programmes of a municipal, district and regional nature are approved by the Ministry.

(3) A targeted programme is also a programme to support the renovation or technical upgrade of tangible fixed assets which support the career prospects of the disabled; within the framework of this programme, employers who employ over 50% of disabled persons will be offered a contribution amounting to up to 70% of the purchase price of the property.

(4) In the implementation of targeted programmes, the Labour Office may cooperate with other entities or may ensure the provision of such programmes through other legal entities or natural persons based on a contractual relationship. Part of an agreement to provide a targeted programme is an agreement on the contribution to be made to the legal or natural person for the provision of the targeted programme.

## PART SIX

### CHILD'S PERFORMANCE OF ARTISTIC, CULTURAL, SPORTING OR ADVERTISING ACTIVITIES

#### Section 121

##### Basic Conditions

(1) For the purposes of this Act, a child shall be deemed to be a natural person

a) under the age of 15, or

b) older than 15 years as long as they are still undergoing compulsory schooling, until the date this is concluded.

(2) A child may perform artistic, cultural, sporting and advertising activities (hereinafter referred to as the "child's activities") for a legal entity or natural person (hereinafter referred to as the "employer"), only if the activity is commensurate with his age, is not dangerous for the child, is not harmful to his training or school attendance and participation in educational programmes, and does not harm his health, physical, mental, moral or social development. 57)

(3) Child's activities are not deemed to be

a) interesting cultural activities in amateur groups and primary music schools,

b) performing in artistic and cultural events organized by schools, educational facilities or social care institutions, or in events in which schools, educational facilities or social care institutions participated,

c) activities performed within the scope of upbringing and education in schools and educational facilities together with educational programmes,

d) participation in artistic and sporting competitions, provided these activities are not remunerated, or

e) activities performed as part of extra-curricular education and during other non-commercial interesting activities, which are not remunerated.

(4) The organiser of the activities shall be obliged to ensure

a) constant supervision by a competent person during the period agreed for the child's activity, and where necessary also when transporting the child to it, unless this is done by the legal representative,

b) suitable conditions reflecting the nature of the activities the child will perform.

(5) Children's activities are regulated by [Section 101, 245](#) and of the Labour Code; the provisions of [Section 103 to 106 of the Labour Code](#) and [Section 2 to 8 of the Act](#) on ensuring other conditions for health protection and safety at work<sup>42a</sup>) apply commensurately.

## Section 122

### Permitting Performance of Activities by Children

(1) The regional branch of the Labour Office shall decide to issue a permit for the performance of activity by a child (hereinafter referred to as "permit") on the basis of a written application submitted by the child's legal representative, or another person responsible for bringing up the child and into whose care the child was placed by court order (hereinafter referred to as "legal representative"). The application is filed with the regional branch of the Labour Office competent according to the permanent place of residence of the child, and if the child has no permanent place of residence, than according to the place of dwelling of the child.

(2) For the purposes of the permit in accordance with [paragraph 1](#) the following are deemed to be activities

a) artistic and cultural representations of authorial works or artistic performances in accordance with special legal regulations 58) and the performance of musical, vocal and dance acts,

b) acting in advertisements to advertise 59) and promote products, services or other objects and items and modelling activities,

c) participation in public sporting events.

(3) The application for the permit shall contain

a) the identification data of the child,

b) the identification data of the child's legal representative; if this person is a foreign national who is not resident on the territory of the Czech Republic, this should also include an address on the territory of the Czech Republic,

c) the child's written consent to performing the activity if the child is capable of expressing an opinion, in view of his age and psychological maturity,

d) a medical opinion from a paediatrician that the activity the child will perform and the term of its performance, given the length of time of its performance is reasonable from a medical point of view and that the child is physically capable of performing it. At the time the permit is granted, the medical opinion may not be more than 3 months old. The doctor will issue an opinion on the basis of a request from the child's legal representative. The opinion is issued on the basis of the data processed by the organiser of the activity within the scope of letter e)

e) the type of activity the child will perform, its description, the nature of the working conditions and the location in which the child will perform the activity and, if he will perform more types of these activities, this should be noted for each type of these activities,

f) the identification data of the organiser of the activity,

g) the period over which the child will perform the activity,

(4) The organiser of the activity shall be obliged to take out liability insurance against any injury which might occur during the performance of the activity; the insurance should be referred to in the permit.

(5) Liability for damage caused by the child to the organiser of the activity or caused by the organiser of the activity to the child is regulated by the Civil Code. The level of damages caused to the organiser of the activity by the child in each individual case may not exceed 0.70 times the average national wage for the first to the third quarter of the calendar year preceding the calendar year during which the damage occurred. The amount of the national average wage for the first to the third quarter of the previous calendar year is announced by the Ministry on the basis of data from the Czech Statistical Office published in the Collection of Laws. However the organiser of the activity shall be liable for damage even when he complied with the obligations arising from the legal regulations concerning health and safety at work.

(6) The organiser of the activity shall also attend the proceedings to decide on permitting the child to perform the activity.

(7) The permit will be granted by regional branch of the Labour Office . In the permit, regional branch of the Labour Office shall define the scope and conditions for the performance of activities laying down the schedule of activities and rest based on the scope and type of activities, the manner of how the health and safety at work is ensured, as well as minimum requirements on working conditions for performance of activities.

(8) Permission may be granted for a child to perform an activity for a maximum of 12 consecutive months following the day on which the permit granted by the Labour Office became valid, and at the latest to the last day on which the natural person is deemed to be a child in accordance with this Act. If the child performs activities for more organisers, separate permits to perform activities shall be granted for each organiser.

(9) Office may ask the organization for the socio-legal protection of children whether it knows of any reasons that would prevent the child from performing the activity, or whether the activity is suitable for the child.

## Section 123

### Content and Time Restrictions on the Permit

(1) A child may perform the activities only on the basis of individual permit granted for a specific child and specific activity, in the following maximum extent

a) for children up to the age of 6 years, 2 hours a day, and the total weekly extent may not exceed 10 hours,

b) 2 hours a day on school days and 12 hours weekly in total for activities performed during the school year outside school hours, and the total extent shall not exceed 7 hours on a given day,

c) 7 hours a day for activities performed during school holidays, and the total weekly extent shall not exceed 35 hours in a given week.

The time period necessary for the preparation for the performance of activities at the place when activity is performed is also considered to be the time of the performance of the activity.

(2) The rest breaks must be set as follows; two 15 minute breaks and one 45 minute break, should the child perform the activity in an extent of 4.5 hours and more. This rest time is not included in the performance of activity.

(3) If a child performs activities for more organisers of activities, the time spent on each of these activities is added up; their sum shall not be greater than the figures set forth in [paragraph 1](#).

(4) A child may not perform an activity during the period between 10 p.m. and 6 a.m.; if a child who is regularly attending school does not have to attend school on the day following the day when this period ends, the performance of an activity is prohibited between 10.30 p.m. and 6 a.m.

(5) After performing its daily activities, the child must have an uninterrupted rest period lasting at least 14 hours. If it performs the activity for 5 consecutive calendar days, it must not perform the activity for at least the following 2 consecutive calendar days. The child must not perform the activity for at least 2 calendar days in a calendar week.

(6) The labour Office may, under a written request of the child's legal representative prior to the expiry of the period for which the permit was granted, extend its validity for a period necessary to complete the performance of the activity by the child, however for 2 months at maximum. When taking a decision on the extension of the permit, the regional branch of the Labour Office shall consider the information given in the application for the permit supplemented for new circumstances decisive for the issuance of the permit.

(7) The permit can be applied for repeatedly. If an application for a permit is rejected because of the medical opinion, an application for a permit to perform the same activities under the same conditions may be resubmitted at the earliest 3 months after the day the decision of the Labour Office to reject the application came into force.

(8) Regional branch of the Labour Office shall also forward the decision to grant permission for the child to perform the activity or decision to disallow the performance of the activity without undue delay to competent regional labour inspectorate.

(9) Unless otherwise stipulated by this Act, the granting of a permit shall not affect the content and form of contracts which are concluded in accordance with special legal regulations, nor the claims arising from them.

(10) Regional branch of the Labour Office shall maintain the records of permits granted for child activities. The records shall include details given in the application for permit. The details maintained on record shall exclusively serve for the purposes of granting the permission.

#### Section 124

### **Proceedings to prohibit the performance of activities by children**

(1) The Labour Office shall prohibit the performance of activities by children if it learns that

- a) the child is performing the activity without a permit,
- b) the organiser of the activity was in breach of his obligations as set forth in this Act or other legal regulations in the performance of the activity by the child, or
- c) the performance of this activity is not suitable for the child in view of the medical opinion issued later than when the decision was made.

(2) The Labour Office is obliged to prohibit the performance of the activity immediately on learning of the facts set out in [paragraph 1](#) by a declaration communicated to the child's legal representative and the organiser of the activity. The child's legal representative is under obligation to terminate the performance of the activities by the child on the day this declaration is communicated; the organiser of the activity has the same obligation.

(3) If there is any grounded suspicion that the child has become less physically able to perform the activity or another fact preventing the child from performing the activity, the child's legal representative, the attending doctor, the regional Labour Inspectorate and the competent body for the socio-legal protection of the child are obliged to impart these facts to the competent regional branch of the Labour Office.

(4) The Labour Office shall make a declaration prohibiting the activity of the child either orally or in writing. If the declaration was made orally, the Labour Office shall be obliged to make a record of this oral declaration on the same day as the declaration was made. If the declaration was made orally, the Labour Office shall issue a written confirmation on the spot. The legal representative of the children and the organiser of the activity receive a declaration in writing and confirmed in writing.

(5) Regional branch of the Labour Office shall be obliged to issue within 15 calendar days from the date when the written or oral communication of the prevention of activities for the child a decision on the prevention of performance of activities by the child.

## **PART SEVEN**

### **INSPECTION ACTIVITIES**

#### Section 125

State Labour Inspection Office, regional labour inspectorates, to the extent laid down in [Section 126 paragraph 4](#) and customs authorities to the extent given in [Section 127](#), General Directorate of Labour Office and regional branch of the Labour Office (hereinafter referred to as "inspection bodies") perform the inspection activities with regard to employment market.

#### Section 126

(1) State Labour Inspection Office or regional labour inspectorates shall review compliance with the labour law regulations by

- a) employers,

b) legal entities and natural persons, who perform activities in accordance with this Act, in particular the brokering of employment and retraining,

c) natural persons, who receive services in accordance with this Act,

(hereinafter referred to as an "inspected person").

(2) For the purposes of this Act, the labour law regulations are such legal regulations on employment and on the protection of employees in case of default of employer<sup>62</sup>).

(3) State Labour Inspection Office or regional labour inspectorates have the authority to inspect whether and to what extent the employer gives work to employees, for whom the employer receives a contribution to support employment of disabled persons pursuant to [Section 78](#) whose agreed place of work is different from the workplace of employer. For this purpose, State Labour Inspection Office or regional inspectorates are authorized to enter the places of work of the employee.

(4) The customs authorities also have the right to inspect whether a foreign national is performing work for a legal entity or natural person on the basis of labour law relations or another contract and whether he is performing the same in compliance with an issued work permit, green card or blue card, if this is required in accordance with this Act. The customs authorities also have the authority to inspect, whether the employers meet their notification obligation according to [Section 87](#) and [88](#). For the inspection purposes under the first and second sentence the Ministry shall provide customs authorities, by means allowing remote access, information on work permits issued by the Labour Office and on written information concerning foreign nationals, citizens of the European Union and their family members ([Section 3 paragraph 2](#)) and family members of the citizens of the Czech Republic given in [Section 3 paragraph 3](#), citizens of the European Union and their family members ([Section 3 paragraph 2](#)) and family members of citizens the Czech Republic given in [Section 3 paragraph 3](#), in the extent specified in [Section 87](#), [88](#) and [Section 92 paragraph 3](#). The Customs Office shall inform the competent regional labour inspectorate of the inspections conducted and if deficiencies were founded it shall pass to the regional labour inspectorate the documents necessary to initiate administration proceedings to impose a fine.

(5) The authority to inspect whether the retraining facility given in [Section 108 paragraph 2 a\)](#) carries out the accredited education training in accordance with granted accreditation lies with The Ministry of Education, Youth and Sports. The procedure of this inspection is governed by special law regulation <sup>63</sup>).

(6) The inspection authority of other authorities under special law regulations, remains unaffected.

#### Section 127

(1) General Directorate of Labour Office shall inspect

a) if agreements on material support for creation of new jobs and material support for retraining or training are adhered to ([Section 111](#)),

b) how targeted programmes of national-wide character are performed ([Section 120](#)).

(2) Regional branch of the Labour Office have the authority to inspect the net amount of an average monthly pay, to the extent necessary to set the amount of the unemployment allowance and allowance during retraining.

#### Section 128

For the purposes of inspection activities, a legal entity or natural person who conducts business in accordance with special legal regulations, <sup>16</sup>) shall be deemed to be an employer, even if he has no employees.

#### Section 129

The procedure for performing inspections in accordance with this Act, is regulated by a special legal regulation, 63) unless otherwise stated in this Act. Inspections into compliance with the conditions for the drawdown of Government funds according to this Act and imposing sanctions for breach of budgetary discipline are regulated by a special legal regulation. 64)

#### Section 130

Employees of the inspection bodies, with the exception of State Labour Inspection Office and custom authority employees, who perform tasks in accordance with this Act, establish their authority to perform these activities by showing a service card in accordance with a special legal regulation. 65) The Ministry shall issue and withdraw service cards.

#### Section 131

Employees of the inspection bodies are authorized to enter the workplaces of persons being investigated, to request that they and their employees produce for inspection the required documentation, to submit complete reports, information and explanations by the specified time limits, and are also authorized to request the presence of the persons being investigated to discuss the results of the inspection and to provide additional cooperation in order to ensure a trouble-free and fast inspection. Persons being investigated are obliged to allow the inspection to be performed and to provide the employees of the inspection bodies with the necessary cooperation.

#### Section 132

(1) Employees of the inspection bodies are authorized, during their inspection activities, to request proof of identification from natural persons found in the workplace of the person under investigation and performing work from them and, if they are not the spouse or child of the natural person being investigated, proof that they are performing this work on the basis of a labour law relations or on another contractual basis. They are also authorized to request foreign nationals to produce their work permit, if the law so requires, and their residence permit, green card or blue card.

(2) Natural persons shall be obliged to give evidence of their identity and to prove other facts set forth in [paragraph 1](#).

(3) Should he fail to meet obligations given in [paragraph 2](#), the inspection bodies may repeatedly impose a disciplinary penalty up to CZK 10 000, however up to CZK 100 000 in total.

#### Section 133

For the purposes of this Act, the workplace of the person being investigated means the place designated and generally used for the performance of the activities of the person being investigated. The activities of the person being investigated are deemed to be the manufacture of products or the provision of services and similar activities in accordance with special legal regulations.

#### Section 134

Should the inspection body discover a breach of an obligation, which is in its competence to inspect, the employee of the inspection body performing the inspection shall be obliged to require that the person being investigated remove any deficiencies discovered within the specified time limit and produce a written report on the remedial measures adopted.

#### Section 135

The inspection body may, in justified cases, invite the person being investigated to attend the inspection body's offices within a specified time limit and to submit documents required for the purposes of the inspection; the person under investigation shall be obliged to respond to this invitation, unless some serious reason arises preventing him from complying with this obligation within the specified time limit.

#### Section 136

The natural person or legal entity is obliged to keep copies proving the existence of the labour law relationship and documents that they are obliged to maintain pursuant to [Section 102 paragraph 3](#) at workplace.

#### Section 137

If the inspection body carries out an inspection on the basis of a written instruction or an instruction made orally into the records, it shall provide written information on the manner and results of the inspection to the person who gave the instruction, if known. If this is an instruction to perform an inspection on grounds of discrimination, the natural person who has been found to have been discriminated against shall have the right to comment on the content of the instruction and the facts discovered by the inspection body.

#### Section 138

In facilities appertaining to the army and the armed security forces, which fall under the authority of the Ministry of Defence, the Ministry of the Interior, the Ministry of Justice and the Ministry of Finance, in the offices of the National Security Agency and the Security Information Service, where an inspection might place classified material at risk, the inspection may only be performed with the approval of the competent Ministry and in the offices of the National Security Agency and the Security Information Service only with the approval of their directors.

### **Offences and Misdemeanours**

#### Section 139

(1) A natural person commits a misdemeanour when he

- a) breaches the ban on discrimination or fails to ensure equal treatment in accordance with this Act,,
- b) brokers employment without a permit
- c) performs illegal work,
- d) enables illegal work to be performed, or

- e) fails to meet its notification obligations pursuant to [Section 87](#),
- f) enables illegal work to be performed pursuant to [Section 5 e\)](#) point 3.

(2) A natural person also commits a misdemeanour when he, as an employer

- a) in contradiction with [Section 80](#) fails to maintain records of the employed persons with disabilities or records of job vacancies for disabled persons,
- b) fails to fill the mandatory proportion of jobs with disabled persons set in [Section 81](#),
- c) fails to assign wages due to employees in writing within the specified time limit for the purposes of Act No. [118/2000 Coll.](#), on the protection of employees in the event of the employer's insolvency and on a change to certain acts as amended, or
- d) fails to comply with the notification obligation in accordance with this Act or fails to maintain the records stipulated in this Act.

(3) For misdemeanour

- a) according to [paragraph 1 a\)](#) and according to [paragraph 2 a\)](#) and [b\)](#), a fine of up to CZK 1,000,000 may be imposed,
- b) according to [paragraph 1 b\)](#), a fine of up to CZK 2,000,000 may be imposed,
- c) according to [paragraph 1 c\)](#), [e\)](#) and [paragraph 2 d\)](#), a fine of up to CZK 100,000 may be imposed,
- d) according to [paragraph 2 c\)](#), a fine of up to CZK 500,000 may be imposed,
- e) according to [paragraph 1 d\) and f\)](#), a fine of up to 5, 000,000 may be imposed.

#### Section 140

(1) A legal entity or natural persons-entrepreneur commits an administrative offence by

- a) breaching the ban on discrimination or failing to ensure equal treatment in accordance with this Act,
- b) brokering employment without a permit or otherwise contravening this Act or good manners by brokering employment,
- c) enabling illegal work to be performed under [Section 5 e\)](#) point 1 or 2, or
- d) failing to meet the notification obligation under this Act or by failing to maintain the records stipulated in this Act,
- e) enabling illegal work to be performed under [Section 5 e\)](#) point 3.

(2) A legal entity or natural person-entrepreneur also commits an administrative offence when, as an employer, it

- a) in contradiction with [Section 80](#) fails to maintain records of the employed persons with disabilities or records of job vacancies for disabled persons,

b) fails to fill the mandatory proportion of jobs with disabled persons set in [Section 81](#), or

c) fails to assign wages due to employees in writing within the specified time limit for the purposes of Act No. [118/2000 Coll.](#), on the protection of employees in the event of the employer's insolvency and on a change to certain acts as amended.

(3) A health care facility commits an administrative offence if it fails to perform a medical examination under [Section 9 paragraph 1](#) or fails to perform it by within the time limit set forth in [Section 9 paragraph 1](#).

(4) For an administrative offence, a fine can be imposed up to

a) 1,000,000 CZK, for an administrative offence according to [paragraph 1 a\)](#) and according to [paragraph 2 a\)](#) and [b\)](#),

b) 2,000,000 CZK, for an administrative offence according to [paragraph 1 b\)](#),

c) 500,000 CZK, for an administrative offence according to [paragraph 2 c\)](#),

d) 100,000 CZK for an administrative offence according to [paragraph 1 d\)](#),

e) 50,000 CZK, for an administrative offence according to [paragraph 3](#),

f) 10,000,000 CZK for an administrative offence according to [paragraph 1 c\)](#) and [e\)](#), however of at least CZK 250,000.

#### Section 141

(1) The legal entity is not liable for an administrative offence, if it proves that it has used reasonable best effort to prevent the breach of the legal obligation.

(2) When determining the level of fine imposed on a legal entity, consideration will be given to the seriousness of the administrative offence, particularly to the manner in which it was committed and its consequences, and to the circumstances under which it was committed. When determining the level of the fine imposed under [Section 139 paragraph 1 f\)](#) or the administrative offence under [Section 140 paragraph 1 e\)](#) consideration will be given to amounts which the legal entity or natural person is obliged to pay under [Section 141b paragraph 1 b\)](#).

(3) The liability of the legal entity for the administrative offence expires one year after the day on which the inspection body learned of it and at the latest 3 years from the day when it was committed.

(4) At the first stage, State Labour Inspection Office or regional labour inspectorates shall handle misdemeanours and offences.

(5) Income from fines is income for the state budget.

(6) Liability for behaviour which occurred during the course of business of a legal entity 8) or directly associated with it, shall be subject to the provisions of the Act on liability and sanctions for legal entities.

#### Section 141a

(1) For fines imposed for misdemeanour under [Section 139 paragraph 1 f\)](#) or administrative

offence under [Section 140 paragraph 1 e\)](#) the natural person or legal entity to which the natural person or legal entity that allowed the performance of illegal work to be performed by a foreign national under [Section 5 e\)](#) point 3, that he performed as a subcontractor as part of business relationship directly or through other party, is held liable as guarantor; the broker has the same liability. The liability of a guarantor only arise if these persons were aware or should have been aware when exercising due care of the illegal work under [Section 5 e\)](#) point 3.

(2) The Labour Office shall take a decision if liability under [paragraph 1](#) should arise and who is the guarantor. The administrative proceedings under the first sentence can be initiated within 90 days from the date when the decision on imposing the fine for misdemeanour under [Section 139 paragraph 1 f\)](#) or for administrative offence under [Section 140 paragraph 1 e\)](#) comes into force at latest.

## **Liability of Employer and Other Legal Entities or natural Persons**

### **Section 141b**

(1) The legal entity upon which a valid fine for an administrative offence under [Section 140 paragraph 1 e\)](#), or a natural person upon which a legitimate fine for misdemeanour under [Section 139 paragraph 1 f\)](#) was imposed, is obliged to pay

a) a foreign national who performed the work under [Section 5 e\)](#) point 3, the outstanding remuneration,

b) the amount equal to the sum of amounts corresponding to

1. premiums for general health insurance including the penalties 90),
2. premiums for social security including penalties 21), which it would have been otherwise obliged to pay according to other legal regulations, and

c) costs related to the payment of the outstanding amount under letter a), even to the state, whose citizens the foreign national is or in the event that he is a person without nationality, to the state of his last residence, or to another state, where he has residence permit.

(2) It shall be deemed that the outstanding amount under [paragraph 1 a\)](#) shall be paid in the amount of the basic monthly rate of minimum wage 91) for each month of the duration of the illegal work performed under [Section 5 e\)](#) point 3. It shall be deemed that he foreign national has performed the work for 3 months.

(3) For compliance with the obligation under [paragraph 1 a\)](#) and [c\)](#) the natural person or legal entity, to which legal entity or natural person that enabled the foreign national to perform illegal work under [Section 5 e\)](#) point 3, provided as part of business relationship performance as a subcontractor directly or through other party is held liable; the same liability of a guarantor applies to the broker. The liability of a guarantor shall arise only if these persons were aware or should have been, using the due care, aware of the illegal work under [Section 5 e\)](#) point 3.

(4) The Labour Office shall take a decision if liability under [paragraph 3](#) should arise and who is the guarantor. The administrative proceedings under the first sentence can be initiated within 90 days from the date when the decision on imposing the fine for misdemeanour under [Section 139 paragraph 1 f\)](#) or for administrative offence under [Section 140 paragraph 1 e\)](#) comes into force at latest.

## **PART EIGHT**

### **COMMON, TRANSITORY AND FINAL PROVISIONS**

#### **CHAPTER I**

## COMMON PROVISIONS

### Section 142

Regarding administrative proceedings held under the Part Two of this Act, the provisions of [Section 79 paragraph 5 of the Administrative Code](#)<sup>67)</sup> shall not apply, with the exception of administrative proceedings concerning withdrawal of permits to broker employment, initiated under [Section 63 paragraph 2 a\) to e\)](#).

### Section 143

Appeal against decisions by the Labour Office involving removal from the register of job seekers ([Section 30](#)), the suspension of payments of unemployment benefit and retraining allowance ([Section 55](#)), the withdrawal of a permit to employ foreign nationals ([Section 100](#)) and the granting or refusal to grant a permit for a child to perform an activity and the prohibition of a child's activities ([Section 124 paragraph 1 a 5](#)) do not have a suspensory effect.

### Section 144

Similar regulations governing the calculation of time set forth in a special legal regulation <sup>68)</sup> shall also apply to the calculation of time in accordance with this Act. In the event that person days have to be totalled in order to comply with conditions giving rise to a claim in accordance with this Act, a month shall be deemed to consist of 30 calendar days.

### Section 145

An intention to employ foreign nationals at of different work places shall be issued by the Labour Office that decides on the issuance of the permits, <sup>69)</sup> after an opinion has been received from the regional branch of the Labour Office in whose administrative district the work is to be performed.

### Section 146

(1) Accounting for the contributions and material support provided in accordance with parts three and five is carried out by the beneficiaries by 31 December of that calendar year and presented to the grantor by 15th February of the following year, with the exception of contributions provided in arrears on the basis of substantiated costs and contributions in accordance with [Section 78 paragraph 1](#). Contributions, which are not provided in arrears, do not have to be drawn down in the year they are made available, but they must be drawn down in accordance with the timetable set forth in the agreement on their provision.

(2) Any part of the contribution that has not been used must be returned by the beneficiary to the grantor; any failure to comply with this obligation within the time limit set by the grantor shall be deemed to constitute a breach of budgetary discipline. <sup>46)</sup>

### Section 147

The provisions of [Section 80](#) shall not apply to the employment of servicemen and professional soldiers in a service relationship and municipal employees employed in the municipal police force; the obligations set forth in [81](#); the obligation set forth in [Section 81](#) shall not apply to Czech Bureau of Mines and district mining offices,<sup>70)</sup> as concerns the employment of mining inspectors. The provisions of Section 80 and 81 do not apply to providers of emergency medical services, as concerns the employment of members of rescue teams.

#### Section 147a

(1) The employees of the state performing work at the Labour Office are obliged to keep confidentiality of facts they learn during or in connection with the performance of their work duties. This obligation shall survive the termination of labour law relationship. The obligation of confidentiality may only be lifted by those who has interested in such confidentiality, or in public interest by the General Director of the Labour Office. The obligation to notify certain facts to competent bodies under special legal regulations<sup>71a</sup>) is not affected by this obligation.

(2) The provision of [paragraph 1](#) also applies to employees of the state performing work at customs authorities or at the State Inspection Labour Office“, and the end of the Section the words „or general inspector of the State Labour Inspection Office who perform the inspection under this Act, while their obligation of confidentiality may only be lifted in the public interest by the head of the competent customs authority” are added.

#### Section 147b

The government authorities, municipalities and regions, other legal entities and natural persons shall give information, at request of the Labour Office, without delay and free of charge, of details decisive for inclusion and management of records of job seekers, for entitlement for unemployment allowances or support for retraining, their amount or payment, for contributions as part of active employment policy, contribution to support the work of the disabled, for employment permits for foreign nationals, for the execution of artistic, cultural, sport or advertising activities of a child and for inspection activities; the can do so via remote access.

#### Section 147c

(1) The Ministry of Interior or the Police of the Czech Republic shall provide the Ministry and the Labour Office in order to execute the state administration in the field of employment

- a) the reference data from the basic register of citizens,
- b) the data from the agenda based information system of records of citizens,
- c) the data form agenda-based information system of foreign nationals,
- d) the data from the register of birth certificate numbers concerning natural persons who were assigned the birth certificate number, but who are not kept in information systems given in letters b) and c).

(2) The data provided under [paragraph 1 a\)](#) are

- a) surname,
- b) first name, or first names,
- c) address of the permanent place of residence,
- d) date, place and district of birth; for data subjects who were born abroad, date, place and state of birth,
- e) date, place and district of death; if such data concern the death of a data subject outside the territory of the Czech Republic, date of death, place and state, where the subject died; if a court decisions is made certifying the death, date, which is given in the decision as the date of death or date, which the data subject whose death was certified by a court decision, did not survive and the date when this decision came into force,
- f) nationality, or more nationalities.

(3) The data provided under [paragraph 1 b\)](#) are

- a) first name, or first names, surname, or their changes, or maiden name,
- b) date of birth,
- c) sex and sex change,
- d) place and district of birth; for citizens who were born abroad, place and state where they were born,
- e) birth certificate number and its changes,
- f) nationality,
- g) address of the place of residence, including the previous addresses of the place of permanent residence,
- h) the start date of permanent residence, or date when details concerning the place of permanent residence were cancelled or the expiry date of permanent residence in the territory of the Czech Republic,
- i) removal or limitation of legal capacity,
- j) birth certificate number of father, mother, or other legal representative; should not one of the parents or other legal representative, has no birth certificate number, then his name, or names, surname and date of birth,
- k) marital status, date of its change and place where the marriage was entered into,
- l) birth certificate number of the spouse; if the spouse is a foreign national then who has no birth certificate number, then his/her name, or names, surname of the spouse and date of his/her birth,
- m) birth certificate number of the child,
- n) if the child was adopted, also original and new name, or names, surname of the child, and original and new birth certificate number of the child, date and place of birth of the child, birth certificate numbers of adoptive parents and the date when the decision on the adoption or the cancellation of adoption of the child came into force,
- o) date, place and district of death; if death of the citizen occurred outside the territory of the Czech Republic, date, place and state, in the territory of which the death occurred,
- p) the date given in the court decision certifying the death as the date of death or the date which the citizen declared as death did not survive.

(4) The data provided under [paragraph 1 c\)](#) are

- a) first name, or names, surname, their change, maiden name,
- b) date of birth,
- c) sex and sex change,
- d) place and state of birth,
- e) birth certificate number and its changes,
- f) nationality,

- g) type and address of the place of residence,
- h) number and validity of residence permit,
- i) start date of residence, or the end date of residence,
- j) removal or limitation of legal capacity,
- k) administrative expulsion and time period, for which the entry to the territory of the Czech Republic is forbidden,
- l) marital status, date and place of its change, first name, or names, surname of the spouse, birth certificate number and date of birth,
- m) first name, or names, and surname of the child, if the child is a foreign national, and his/her birth certificate number; and should not have been the birth certificate number assigned, the date of birth,
- n) birth certificate number of father, mother, or other legal representative; should not one of the parents or other legal representative, has no birth certificate number, then his name, or names, surname and date of birth,
- o) expulsion and the time period, for which the entry to the territory of the Czech Republic is forbidden,
- p) date, place and district of death; of the death occurred outside the territory of the Czech Republic, the state, in which territory the death occurred, or the date of death as the case may be,
- q) the date given in the court decision certifying the death as the date of death or the date which the citizen declared as death did not survive,
- r) ) if the child was adopted, also original and new name, or names, surname of the child, and original and new birth certificate number of the child, date and place of birth of the child, birth certificate numbers of adoptive parents and the date when the decision on the adoption or the cancellation of adoption of the child came into force,
- s) first name, or names, and surname of
  1. dependant major child of a foreign national,
  2. a minor foreign national who was, by the decision of competent body, confided to the substitute family care of a foreign national or his/her spouse, or who was adopted by the foreign national or his/her spouse or whose guardian is a foreign national who is a citizen,
  3. single foreign national older than 65 years of age or irrespective of the age of the foreign national, who cannot take care of himself for health reasons, in the event of a reunion of the family with a parent or child, who are citizens,
  4. a foreign national who is a dependant relative in direct ascendant or descendent line or a relative of the spouse-citizen of the European Union,
  5. parent of a minor foreign national and his/her birth certificate number; in the event of a foreign who has not been assigned a birth certificate number, first name, or names, surname and the date of birth,
- t) details of the employer and job position of the Blue Card holder.

(5) The data provide under [paragraph 1 d\)](#) are

- a) first name, or names, surname, and maiden name,
- b) date, month and year of birth,
- c) place of birth; for natural persons born abroad also the place and state of birth,
- d) birth certificate number and its changes.

(6) The data that are maintained as reference data in the basic register of citizens will be used from the agenda-based information system for records of citizens or agenda-based information system, only if they have a form preceding the current state.

(7) From the data provided, only such specific data can be used that are necessary to fulfil the specific task.

#### Section 147d

(1) The data from records under [Section 6 paragraph 1 g](#)) are kept in the information system in the field of state employment policy, with the Ministry as the administrator.

(2) The Labour Office is obliged to ensure that the storage of all data of single information system in the field of the government employment policy that were gathered as a result of the data processing under [paragraph 1](#), as well as all documents and files concerning the closed administrative proceedings on allowances and documents and files on contributions for 15 calendar years following the calendar year, in which the final decision in the administrative proceedings was taken or when the last entry of the data in the information system occurred.

(3) Any and all data that are kept in the information system in the field of the state employment policy are part of single information system of labour and social affairs<sup>89</sup>).

## CHAPTER II

### TRANSITORY AND FINAL PROVISIONS

#### Section 148

##### **Transitory Provisions**

(1) The right to material support that was approved prior to the date this Act comes into force shall expire after payment of the material support due for the first month after the date this Act comes into force, unless the conditions for its provision set forth in this Act are fulfilled after the date this Act comes into force.

(2) The amount of material support that was approved prior to the date this Act comes into force shall be reassessed after payment of the unemployment benefit due for the first month after the date this Act comes into force.

(3) Job seekers who receive material support for job seekers up to the date this Act comes into force, shall be assessed in terms of the course of the support period in accordance with this Act; the length of the support period is adjusted in accordance with this Act and, provided sufficient information to justify extending the support period is provided within 6 months of the date this Act comes into force.

(4) Claims arising from a retraining agreement between an employer and an employer, which was concluded prior to the date this Act comes into force shall be assess in accordance with the previous regulations.

(5) A permit to broker employment that was issued to a legal entity or a natural person prior to the date this Act comes into force, remains valid for the period for which it was issued, and at the end of a period of 4 months after the date this Act comes into force, this legal entity or natural person may also broker employment in the form of employing natural persons for the purpose of hiring them out for temporary work for another legal entity or natural person on the basis of this permit.

(6) A legal entity or natural person shall be obliged to adjust the relations that have arisen in connection with the temporary assignment of their employee to perform work for another legal entity or

natural person at the latest within 4 months of the date this Act comes into force..

(7) Natural persons who were recognized as persons with altered work abilities by decision of the district social security authorities, shall be deemed to be physically disabled persons in accordance with this Act after the term of validity of this decision, and at the latest 3 years after this Act has come into force

(8) Natural persons who were recognized as persons with altered work abilities with serious disability and are not according to an opinion of the social security authority recognized as fully disabled, are for the validity period of this decision, however at the latest 3 years after this Act has come into force, shall be deemed to be seriously physically disabled persons in accordance with this Act.

(9) The method of monitoring compliance with the obligation to employ citizens with altered work abilities in accordance with [Section 24 of Act No. 1/1991 Coll.](#), on employment, as amended Act No. [305/1991 Coll.](#), Act No. [167/1999 Coll.](#), Act No. [155/2000 Coll.](#) and Act No. [474/2001 Coll.](#), for 2004 shall be regulated by the previous legal regulations.

(10) The rights and obligations arising from the agreement to ensure professional experience for graduates of secondary schools and universities and from the agreement to ensure the acquisition of qualifications for young workers, concluded in accordance with [Section 6 a\) of Act No. 9/1991 Coll.](#), on employment and on the competence of the Czech Republic in the employment sector, as amended by Act No. [272/1992 Coll.](#), which were concluded prior to the date this Act comes into force, shall be assessed in accordance with the previous regulations.

(11) Debts which were incurred by the state in accordance with Act No. [1/1991 Coll.](#), on employment, as amended, and Act No. [9/1991 Coll.](#), on employment and on the competence of the Czech Republic in the employment sector, as amended, to legal entities and natural persons, which expired without legal representatives by the date this Act came into force, shall expire and shall not longer be filed.

(12) Advance payments on contributions provided in accordance with [Section 24 a\) of Act No. 1/1991 Coll.](#), on employment, as amended by Act No. [474/2001 Coll.](#), for the quarter during which this Act came into force, and billed advance payments provided in 2004 shall be regulated by the previous legal regulations.

(13) Rights and obligations that have arisen on the basis of agreements concluded in accordance with Act No. [1/1991 Coll.](#), on employment, as amended, and Act No. [9/1991 Coll.](#), on employment and on the competence of the Czech Republic in the employment sector, as amended, prior to the date this Act came into force, shall be assessed in accordance with previous legal regulations.

(14) If a child is performing an activity prior to the date on which this Act comes into force and will continue to perform it before reaching the age of 15 years, or after reaching the age of 15 years, but before completing compulsory school attendance and after a period of 30 days after the entry into force of this Act, the child's legal representative shall be obliged to apply to the Labour Office for permission for the child to perform this activity, at the latest within 30 days of this Act coming into force.

(15) If the child's legal representative applied for a permit for the child to perform an activity within the time limit set forth in paragraph [paragraph 14](#), the child may perform this activity without a permit until the day a decision is made to permit the performance of an artistic or sporting activity, at the latest 3 months after the day this Act enters into force.

(16) ) If the legal representative failed to apply for a permit for the child to perform an activity within the time limit set forth in [paragraph 14](#) the child may not perform this activity from the day following the end of the time limit set forth above.

(17) A foreign national, who as a partner, statutory body or member of a statutory or other body of a public company who ensures performance of normal tasks for the public company or as a member of a cooperative, a member of a statutory or other body of a cooperative ensures performance of normal tasks for the cooperative shall be obliged to apply for a work permit at the latest within 3 months of the date this Act enters into force.

(18) Until such time as the service act has come into full force, the Minister of Labour and Social Affairs shall nominate and suspend the Director of the Labour Offices.

### **Final Provisions**

#### Section 149

Labour Offices and the Labour Office of the City of Prague in accordance with Act No. [9/1991 Coll.](#), on employment and on the competence of the Czech Republic in the employment sector, as amended, are Labour Offices in accordance with this Act.

#### Section 150

##### Repealing:

1. Act No. [1/1991 Coll.](#), on Employment.
2. Act No. [9/1991 Coll.](#), on Employment and on the competence of the Czech Republic in the employment sector.
3. Act No. [64/1991 Coll.](#), amending Act No. [9/1991 Coll.](#), on Employment and on the competence of the Czech Republic in the employment sector.
4. Act No. [305/1991 Coll.](#), amending Act No. [1/1991 Coll.](#), on Employment.
5. Act No. [272/1992 Coll.](#), amending Act No. [9/1991 Coll.](#), on Employment and on the competence of the Czech Republic in the employment sector, as amended by Act No. [64/1991 Coll.](#)
6. Act No. [369/2000 Coll.](#), amending Act No. [1/1991 Coll.](#), on Employment, as amended.
7. Act No. [474/2001 Coll.](#), amending Act No. [1/1991 Coll.](#), on Employment, as amended.
8. Act No. [220/2002 Coll.](#), amending Act No. [1/1991 Coll.](#), on Employment, as amended and Act No. [9/1991 Coll.](#), on Employment and on the competence of the Czech Republic in the employment sector, as amended.
9. Government order no. [103/2002 Coll.](#), on material support for the creation of new jobs and retraining of employees in the framework of investment incentives.
10. Decree No. [21/1991 Coll.](#), on conditions for retraining job seekers and employees, amended by Decree no. [324/1992 Coll.](#)
11. Decree No. [115/1992 Coll.](#), applying vocational rehabilitation of people with disabilities.

12. Decree No. [324/1992 Coll.](#), amending and supplementing Czech Ministry of Labour and Social Affairs Decree no. [21/1991 Coll.](#)

13. Decree No. [399/1992 Coll.](#), on agreements between employers and Labour Offices if a firm has reduced its operational activities in relation to the transfer to a new business programme.

14. Decree No. [35/1997 Coll.](#), establishing the details concerning the establishment of community service jobs and creating social beneficial work.

15. Decree No. [232/1997 Coll.](#), amending Czech Ministry of Labour and Social Affairs Decree no. [115/1992 Coll.](#), applying vocational rehabilitation of people with disabilities.

16. Decree No. [242/2002 Coll.](#), on conditions for providing contributions to employers whose workforce includes more than 50% of disabled employees and clearing this contribution.

## Section 151

### Entry into Force

This Act shall enter into force on the first day of the third month following its publication.

**Zaorálek v. r.**

**Klaus v. r.**

**Špidla v. r.**

**Annex.1  
repealed**

**Annex.2  
repealed**

### Selected Provisions of Amendments

[Article II of Act No. 382/2005 Coll.](#)

### Transitory Provisions

1. The support period for a job seeker, who has received unemployment benefits by the date of entry into force of this Act, or who has not received them by this day for the reasons set forth in [Section 44 of Act No. 435/2004 Coll.](#), on employment, and who, on the day when shall submitted the application for unemployment benefit complied with the condition set forth in [Section 43 paragraph 1 b\) or c\) of Act No. 435/2004 Coll.](#), on employment, is adjusted in accordance with this Act. If the application for unemployment benefit was submitted before this Act entered into force, but no legitimate decision had yet been made to award unemployment benefits, the length of the support period shall be stipulated in accordance with this Act.

2. Systematic preparation for a future career is deemed to substitute for a period of employment for job seekers who have been included in the register of job seekers after the entry into force of this Act.

3. The period, after which a job seeker was removed from the register of job seekers in accordance with [Section 30 paragraph 1 a\) of Act No. 435/2004 Coll.](#), on employment, for the reasons set forth in [Section 25 paragraph 2 f\) of Act No. 435/2004 Coll.](#), on employment, before the date this Act entered into force shall be assessed in accordance with this Act..

4. The rights and obligations that arise from the agreement to allocate a grant for a community service job concluded before the date of entry into force of this Act shall be assessed in accordance with the previous legal regulation.

5. Agreements concluded concerning the provision of contributions to establish a community service job on the basis of an application made prior to the date of entry into force of this Act shall be regulated by this Act.

#### [Article XIX of Act No. 109/2006 Coll.](#)

##### **Transitory Provision**

Natural persons, who have been recognized by decision of the district social security authorities as physically disabled, shall be deemed to be physically disabled persons in accordance with this Act for the period of validity of this decision, to a maximum of 3 years after the date of entry into force of this Act.

#### [Article XL of Act No. 112/2006 Coll.](#)

##### **Transitory Provision**

1. Proceedings to determine unemployment benefit and retraining allowances, that have not been finally terminated before the entry into force of this Act, shall be terminated in accordance with the previous legal regulations.

2. If a decision has been made in accordance with Section 54 of Act No. [435/2004 Coll.](#), on employment, after the entry into force of this Act, the amount of unemployment benefit shall be set in accordance with the legal regulations that were valid on the day the application for unemployment benefit was submitted and the amount of the retraining allowance in accordance with the legal regulations in force on the day the retraining course commenced.

3. The maximum amount of compensation for damage that was caused to the organiser of the activity by a child prior to the entry into force of this Act shall be assessed on the basis of the previous legal regulations

#### [Article L of Act No. 264/2006 Coll.](#)

##### **Transitory Provision**

Administrative proceedings in the matter of compliance with obligations pursuant to Act No. [435/2004 Coll.](#), as amended by Act No. [220/2005 Coll.](#), commenced and not legitimately terminated before the date of entry into force of this Act shall be terminated in accordance with the previous legal regulations.

#### [Article III of Act No. 213/2007 Coll.](#)

##### **Transitory Provision**

A period when, prior to entry into force of this Act, a job seeker personally cared for a person covered by Section 41 paragraph 3e) and f) of Act No. [435/2004 Coll.](#), as amended by Act No. [264/2006 Coll.](#) shall be deemed as substitute period according to Section 41 (3) of Act No. [435/2004 Coll.](#), on Employment, as amended by this Act.

[Article LX ODF Act No. 261/2007 Coll.](#)

**Transitory Provisions**

1. Proceedings to determine unemployment benefit, which were not legitimately terminated before 1 January 2008, shall be terminated in accordance with legal regulations valid as of 31 December 2007.

2. The provision of contributions to support the employment of disabled persons for the fourth quarter of 2007 is governed by the legal regulations effective as of 31 December 2007.

[Article XXVII of Act No. 306/2008 Coll.](#)

**Transitory Provisions**

1. The drawing of full disability pension before 1 January 2010 shall also be deemed as substitute employment period under [Section 41 paragraph 3 b\) of Act No. 435/2004 Coll.](#), on Employment, as amended from the date when this Act came into force.

2. A natural person who was fully disabled as of 31 December 2009 under [Section 39 paragraph 1 b\) of Act No. 155/1995 Coll.](#), on pension insurance, shall be deemed as a the natural person with the third grade disability and is able to perform gainful activity only under very special circumstances, shall be also as of 1 January 2010.

[Article II of Act No. 382/2008 Coll.](#)

**Transitory Provisions**

1. The proceedings that have not been finally terminated before the entry into force of this Act, will be terminated under Act No. [435/2004 Coll.](#), on Employment, as amended before this Act came into force, with the exception of proceedings to issue employment permit, which shall be terminated under Act No. [435/2004 Coll.](#), on Employment, as amended before this Act came into force.

2. The rights and obligations arising from the agreements on the provision of the bridging contribution and the contribution for transport of employee concluded before the date when this Act came into force are considered under Act No. [435/2004 Coll.](#), on Employment, as amended before this Act came into force.

3. If the provision of unemployment benefits or retraining allowances was suspended due to the fact that the job seeker is provided with sickness insurance benefits as a result of performing activities under Section 25 paragraph 3 or from employment under Section 25 paragraph 5 of Act No. [435/2004 Coll.](#), on Employment, as amended before this Act came into force, the payment of unemployment benefits or retraining allowances accrued for the first month after this Act comes into force will be renewed.

4. Inclusion of the period of removal from the records of job seekers into the support period under Section 47 of Act No. [435/2004 Coll.](#), on Employment, as amended by the date when this Act came into force shall be governed for job seekers who were removed from the records of job seekers prior to the date when this Act came into force, by the Act No. [435/2004 Coll.](#), on Employment, as amended by the date when this Act came into force.

5. When assessing an entitlement to unemployment benefits under Section 39 paragraph 2 letter b) of Act No. [435/2004 Coll.](#), on Employment, as amended by the date when this Act came into

force, the termination of employment prior the entry into force of this Act is not taken into account.

6. The Ministry of Labour and Social Affairs may, by its decision, withdraw a permit to broker employment issued to the legal entity or natural person under the Act No. [435/2004 Coll.](#), on Employment, as amended by the date when this Act came into force, should the Ministry of Interior express its disagreement with the issued permit to broker employment.

7. A document certifying that the retraining was completed issued by an accredited facility or educational or health establishment with accredited training programme by the date when this Act came into force, is considered to be a retraining certificate issued under Section 108 paragraph 2 and 5 of the Act No. [435/2004 Coll.](#), as amended by the date when this Act came into force.

8. The facility that was accredited by the Ministry of Education, Youth and Sports to conduct retraining under the Act No. [435/2004 Coll.](#), on Employment, as amended by the date when this Act came into force, shall, for the period of this accreditation, be deemed as the facility with accredited training programme under the Act No. [435/2004 Coll.](#), on Employment, as amended by the date when this Act came into force.

#### [Article IV of Act No. 479/2008 Coll.](#)

##### **Transitory Provisions**

1. Medical examinations started under Section 8 paragraph 1 letter m) and n) of the Act No. [435/2004 Coll.](#), on Employment, as amended by the date when this Act came into force, and not completed by the date when this Act came into force, shall be completed by district social security administration pursuant to existing legal regulations. In these cases, the time period for giving an opinion is extended for 30 days from the date when this Act came into force

2. The Labour Office shall, free of charge, hand over by 30 June 2009 to district social security administrations competent according to the local competence of labour offices the files with opinions, that they have kept on record by 30 June 2009.

3. The exercise of rights and obligations arising from labour law relationships of employees of labour offices who performed as of 30 June 2009 tasks consisting in the assessment of the state of health and performance of related activities, shall pass on 1 July na to the Czech Social Security Administration.

4. The Labour Offices shall agree with employees given in point 3 on the transfer of rights and obligations arising from labour law relationships to the Czech Social Security Administration. This delimitation is binding. Should they not reach an agreement under the first sentence by 31 March 2009 at latest, the numbers and rules of delimitation regarding the employees of the Czech Republic at labour office concerned will be set by the Ministry of Labour and Social Affairs.

5. The provision of contribution to support employment of disabled persons for the fourth calendar quarter of 2008 is governed by legal regulations effective as 31 December 2008.

#### [Article XI of Act No. 158/2009 Coll.](#)

The proceedings on the provision of a contribution to support employment of disabled persons that had not been finally terminated by the date when this Act came into force, will be completed under the Act No. [435/2004 Coll.](#), as amended by the date when this Act came into force.

#### [Article IV of Act No. 326/2009 Coll.](#)

##### **Transitory Provisions**

1. For the job seeker who, as of 1 November 2009, has not exhausted the entire period of support set forth in the Act No. [435/2004 Coll.](#), as amended by 1 November 2009, the amount of unemployment benefit, retraining allowance and the support period will be, with effect from 1

November 2009 regulated by the Act No. [435/2004 Coll.](#), as amended as of 1 November 2009. The Labour Office shall take a decision concerning the amount of unemployment benefit, retraining allowance and the support period.

2. The proceedings that had not been finally terminated by 1 November 2009, shall be terminated under the Act No. [435/2004 Coll.](#), as amended by 1 November 2009.

3. The proceedings that had not been finally terminated by 31 December 2010, shall be terminated under the Act . [435/2004 Coll.](#), as amended by 31 December 2010.

4. The claims under Section 50a of the act on employment granted before 1 January 2011 shall also be valid after 1 January 2011.

[Article LVI of Act No. 223/2009 Coll.](#)

**Transitory Provision**

The proceedings concerning the permits for employment brokerage that had been finally terminated before the date when this Act came into force, shall be completed and the related rights and obligations will be considered under the Act No. [435/2004 Coll.](#), on Employment, as amended by the date when [this act](#) came into force.

[Article II of Act No. 149/2010 Coll.](#)

**Transitory Provision**

The provision of a contribution to support employment of disabled persons from the period before the date when this Act came into force is governed by legal regulations effective by the date when this Act came into force.

[Article X of Act No. 347/2010 Coll.](#)

**repealed**

[Article II of Act No. 367/2011 Coll.](#)

**Transitory Provisions**

1. When assessing the obstacle for inclusion in the records of job seekers under [Section 25 paragraph 8 of Act No. 435/2004 Coll.](#), as amended from the date when this Act came into force, the employments brokered by the regional branch of the Labour Office terminated before this Act came into force are not taken into account.

2. Until the date when social system card is issued, the unemployment benefits a retraining allowance are paid by a bank transfer to the account determined by the recipient of the allowance or by postal order or in cash. The method of payment will be determined by the recipient of the allowance.

3. Insurance contracts under [Section 58a of Act No. 435/2004 Coll.](#), as amended by the date when this Act came into force, are valid for the agreed term.

4. The proceedings concerning the granting of a status of a person disadvantaged by a medical condition that had been finally terminated prior to the date when this Act came into force, shall be terminated and the related rights and obligations will be considered under the Act No. [435/2004 Col.](#), as amended when an application to receive a status of a person disadvantaged by a medical condition was filed.

5. The decisions concerning the granting of a status of a person disadvantaged by a medical condition that had been taken by the date when this Act came into force, shall be valid for the time period for which they were issued, however by 1 January 2015 at latest. For the term of these decisions the persons disadvantaged by a medical condition are for the employment purposes considered to be disabled persons under [Section 67 paragraph 2 b\) of Act No. 435/2004 Coll.](#), on Employment, as amended from 1 January 2012.

6. The rights and obligations arising from agreements on the provision of contribution to establish protected workshops and from agreements on the provision of a contribution to partially cover the operating costs of the protected workshop, concluded by the date when this Act came into force, are considered under the Act No. [435/2004 Coll.](#), as amended by the date when this Act came into force.

7. The job vacancies for disabled persons in a protected workshop, created or established by an agreement between the employer and the Labour Office, are as of the entry into force of this Act considered to be protected workplaces.

8. The period of 12 months under Section 76 paragraph 1 of the Act No. [435/2004 Coll.](#), as amended from the date when this Act came into force, shall not apply to employers who have operated protected workplace or workplaces continuously for 12 months prior to the date when this Act came into force.

9. The provision of a contribution to support employment of disabled persons for the last calendar quarter preceding the date when this Act came into force and two calendar quarters following the date when this Act came into force are governed under the Act No. [435/2004 Coll.](#), as amended by the date when this Act came into force.

10. The proceedings concerning the provision of a contribution to support employment of disabled persons that had not been finally terminated by the last day of the second calendar quarter following the date when this Act came into force, will be completed under the Act No. [435/2004 Coll.](#), as amended by the date when this Act came into force.

11. In order to establish an entitlement and an amount of contribution pursuant to [Section 78 paragraph 2 of Act No. 435/2004 Coll.](#), as amended from the date when this Act came into force, and provided for the third calendar quarter following the date when this Act came into force, the concluded agreements on establishment of protected workplaces during the first and second calendar quarter following the date when this Act came into force shall be decisive, unless they already possess a character of a protected workplace under previously concluded agreement on the creation of protected workplace or the agreement on establishment of protected workshop.

12. The period of 12 months under [Section 78 paragraph 3 of Act No. 435/2004 Coll.](#), as amended from the date when this Act came into force, shall not apply to employers who, in the last two calendar quarters by the date when this Act came into force and in the first two calendar quarters following the date when this Act came into force employed on adjusted average more than 50 % of disabled persons.

13. The rights and obligations arising from agreements entered into under Section 308 of the Labour Code on temporary transfer of employees of the employment agency to perform work with the user, concluded by the date when this Act came into force, are considered under the Act No. [435/2004 Coll.](#), as amended by the date when this Act came into force.

14. The fulfilment of mandatory proportion for the year preceding the date when this Act came into force, is governed under the Act No. [435/2004 Coll.](#), as amended by the date when this Act came into force.

15. The payments made to the state budget under [Section 82 paragraph 4 of Act No. 435/2004 Coll.](#), as amended by the date when this Act came into force, and not enforced by the date when this Act came into force are thereafter enforced under the Act No. [435/2004 Coll.](#), as amended

from the date when this Act came into force.

16. The inspections and administrative proceedings concerning the fines imposed for misdemeanours and administrative offences, commenced by the date when this Act came into force by the regional branches of the Labour Office shall be completed under existing legal regulations by the competent district labour inspectorates. The administrative proceedings commenced or held by the Ministry by the date when this Act came into force shall be completed under the existing legal regulations by the State Labour Inspection Office. The time periods for the decision to be taken under the first and second sentence are extended by 30 days.

[Article XLIII of Act No. 420/2011 Coll.](#)

**Transitory Provisions**

1. The proceedings concerning the applications for permits to broker employment that have not been decided upon by the date when this Act came into force, shall be completed under the Act. [435/2004 Coll.](#), as amended from the date when this Act came into force.

2. The legal entities with registered office outside the territory of the Czech Republic that were issued a permit to broker employment before this Act came into force are obliged to, within 3 months from the date when this Act came into force to prove their integrity to the General Directorate of the Labour Office in a manner given in [Section 60 paragraph 7 of Act No. 435/2004 Coll.](#), as amended from the date when this Act came into force; otherwise the General Directorate of the Labour Office shall withdraw the permit to broker employment.

[Article II of Act No. 1/2012 Coll.](#)

**Transitory Provisions**

1. The obligation to return investment incentives that were provided under Section 111 and contributions for instruments and actions of active employment policy under Section 75 and 76, Section 112 to 114, Section 116 and 117, as well as a contribution under Section 78 of the Act No. [435/2004 Coll.](#), as amended from the date when this Act came into force, shall not apply to agreements on the provision of an investment incentive or a contribution concluded before the date when this Act came into force.

2. The obligations under Section 87 paragraph 1, Section 102 paragraph 3 and Section 136 of the Act No. [435/2004 Coll.](#), as amended from the date when this Act came into force, must be complied with by legal entities and natural persons that hired foreign nationals within 3 months from the date when this Act came into force.

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1) Council Directive 68/360/EEC of 15 October 1968 on the abolition of restrictions on movement and residence within the community for workers of the EU Member States and their families. Council Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions.

Council Directive 89/48/EEC of 21 December 1988 on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration

Council Directive 90/364/EEC of 28 June 1990 on the right of residence.

Council Directive 90/365/EEC of 28 June 1990 on the right of residence for employees and self-employed persons who have ceased their occupational activity.

Council Directive 92/51/EEC of 18 June 1992 on a second general system for the recognition of professional education and training to supplement Directive 89/48/EEC .

Council Directive 93/96/EEC of 29 October 1993 on the right of residence for students.

Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work.

Council Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of persons with regard to the processing of personal data and on the free movement of such data.

Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services.

Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.

**Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.**

Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions

Directive of the European parliament and Council [2009/52/EC](#) as of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals.

2) [Section 11](#) of the Labour Code.

3) Act No. [326/1999 Coll.](#), on the residence of foreign persons in the territory of the Czech Republic, as amended.

3a) [Section 8 of Act No. 108/2006 Coll.](#), on Social Services.

4) [Section 8 paragraph 1](#) of the Labour Code.

5) For example [Section 21](#) of the Commercial Code.

6) For example the Act No. [128/2000 Coll.](#), on municipalities (municipal establishment), as amended , the Act No. [129/2000 Coll.](#), on the regions (regional establishments), as amended.

7) [Section 15 a](#) and [180 f of Act No. 326/1999 Coll.](#), on the residence of foreign persons in the territory of the Czech Republic, and the change of some laws, as amended.

8) [Section 2 paragraph 2](#) of the Commercial Code.

9) Act No. [561/2004 Coll.](#), on the system of pre-school, primary and secondary schools, technical tertiary and other education (the Schools Act), as amended.

Act No. [111/1998 Coll.](#), on universities and on changing and supplementing of other laws (the Universities act), as amended.

9a) [Section 42g of Act No. 326/1999 Coll.](#), as amended by Act No. [382/2008 Coll.](#)

9b) Act No. [222/2009 Coll.](#), on the free movement of services.

- 10) [Section 53 paragraph 5 of Act No. 218/2002 Coll.](#), ., on the service of state employees in administrative offices, on the remuneration of such employees and other employees in the administrative offices (Service Act).
- 11) Decree No. [564/2002 Col.](#), on the districts of the Czech Republic and the administrative district of the City of Prague.
- 12) Act No. [111/2006 Coll.](#), on assistance to persons in material distress, as amended.
- 13) For example Act No. [118/2000 Coll.](#), on the protection of employees in the event of the employer's insolvency and on changes to certain Acts.
- 14) Decree No. [134/1998 Coll.](#), issuing the list of medical treatments including point values, as amended.
- 14a) Act No. [526/1990 Coll.](#), on prices, as amended.
- 15) [Labour Code](#).
- 16) For example [Trade Licensing Act](#).
- 17) Article 43 and following of the Treaty establishing the European Community.
- 18) Article 49 and following of the Treaty establishing the European Community.
- 19) Act No. [101/2000 Coll.](#), on the protection of personal data and amendments to certain other Acts, as amended.
- 20) The decision of the Commission of 23 December 2003, which executes Council Regulation (EEC) no. 1612/68 on the clearance of job vacancies and applications.
- 21) Act No. [589/1992 Coll.](#), on premiums for social security and contribution to the state policy of employment, as amended.
- 23) [Section 77 of Act No. 20/1966 Coll.](#), on public health care, as amended.
- 24) [Section 9 paragraph 2 of Act No. 20/1966 Coll.](#), as amended.
- 25) [Section 9 paragraph 3 of Act No. 20/1966 Coll.](#), as amended by Act No. [548/1991 Sb. Section 11 paragraph 4 of Act No. 48/1997 Coll.](#), on public medical insurance and on amendments and supplements to certain other Acts
- 26) [Section 18a of Act No. 20/1966 Coll.](#), as amended by Act No. [548/1991 Coll.](#)
- 27) [Section 9 of Act No. 155/1995 Coll.](#), on pension insurance.
- 28) For example Act No. [21/1992 Coll.](#), on banks, as amended, Act no. 328/1991 Coll., o bankruptcy and settlement, as amended, Act no. 248/1992 Coll., on investment companies and investment funds, as amended.
- 29) [Section 70](#) and the following of the Commercial Code.
- 30) [Section 44 to 47 of Act No. 359/1999 Coll.](#), on the social and legal protection of children.
- 30a) [Section 40a of Act No. 117/1995 Coll.](#), on state social support, as amended by Act no. [168/2005 Coll.](#)
- 32a) [Section 39 paragraph 2 c\) of Act No. 155/1995 Coll.](#), as amended.

- 32b) [Section 39 paragraph 4 f\) of Act No. 155/1995 Coll.](#), as amended.
- 32c) [Section 45a paragraph 1 e\) of Act No. 455/1991 Coll.](#), Trade Licensing Act as amended by Act No. [214/2006 Coll.](#)
- 32d) [Section 45a paragraph 6 of Act No. 455/1991 Coll.](#), as amended by Act No. [214/2006 Coll.](#)
- 32e) Act No. [312/2002 Coll.](#), on the autonomous administrative districts *clerks and* on change of certain laws, as amended.
- 32f) Act No. [218/2002 Coll.](#), as amended.
- 32g) [Section 11 paragraph 1 a\)](#) and [paragraph 2 of Act No. 155/1995 Coll.](#)
- 33) [Section 55 paragraph 1 b\)](#) and [Section 52 g\) of the Labour Code.](#)
- 34) [Section 131 and the following of Act No. 221/1999 Coll.](#), on professional soldiers, as amended.  
[Section 157 and the following of Act No. 361/2003 Coll.](#), on the service status of members of the police forces of the Czech Republic, as amended.
- 35) Act No. [155/1995 Coll.](#), as amended.
- 35a) Act No. [198/2002 Coll.](#), on volunteering and on the change of certain laws (Volunteering Act), as amended.
- 35b) Act No. [111/2006 Coll.](#), on support of individuals in material need, as amended.
- 36) [Section 52 a\) to c\) of the Labour Code.](#)
- 37) [Section 275](#) of the Labour Code.
- 38) Act No. [1/1992 Coll.](#), on wages, work availability compensation and the average wage, as amended.
- 39) [Section 3 paragraph 2 e\)](#) and [paragraph 3 a\) of Act No. 463/1991 Coll.](#), on the subsistence level
- 39a) Act No. [269/1994 Coll.](#), on the Criminal Records, as amended.
- 40) For example Act No. [358/1992 Coll.](#), on notaries and their activities (the code of notarial practice), as amended, Act No. [41/1993 Coll.](#), on verifying the conformity of a transcript or copy with a document and on verifying the authenticity of signatures by district and municipal authorities and on the provision of certifications by municipal bodies and district authorities, as amended.
- 41) Act No. [634/2004 Coll.](#), on administrative charges, as amended.
- 41a) [Section 8 paragraph 1 c\) of Act No. 582/1991 Coll.](#), on organisation and implementation of social security as amended by Act No. [479/2008 Coll.](#)
- 42) [Section 38a paragraph 2](#) of the Labour Code.
- 42a) Act No. [309/2006 Coll.](#), regulating further requirements on safety and health protection at work in labour law relationships when performing activities or providing services outside the labour law relationships (Act on ensuring the conditions for safety and health protection at work, as amended by Act No. [362/2007 Coll.](#)

- 43) For example Act No. [29/1984 Coll.](#), as amended.
- 44) [Section 44a paragraph 4 c\) of Act No. 218/2000 Coll.](#), on Budgetary Rules and on amendments of some related Acts (budgetary rules), as amended by Act No. [482/2004 Coll.](#)
- 45) [Section 44a paragraph 4 a\) and b\) of Act No. 218/2000 Coll.](#), as amended by Act No. [482/2004 Coll.](#)
- 46) Act No. [218/2000 Coll.](#), as amended.
- 50) Act No. [280/2009 Coll.](#), on the administration of taxes and charges, as amended.
- 51) Act No. [325/1999 Coll.](#), on asylum, as amended.
- 52) [Section 5 of Act No. 310/1999 Coll.](#), on the stationing of foreign troops on the territory of the Czech Republic.
- 52a) [Section 42a paragraph 1 of Act No. 326/1999 Coll.](#), on the residence of aliens on the territory of the Czech Republic and on amendments to certain Acts, as amended by Act no. [428/2005 Coll.](#)
- 52b) [Section 42c of Act No. 326/1999 Coll.](#), as amended by Act No. [161/2006 Coll.](#)
- 52c) Act No. [341/2005 Coll.](#), on public research institutions.
- 52d) For example Act No. [96/2004 Coll.](#), on conditions for obtaining and recognition of the ability to perform paramedical professions and to performs activities related to health care provision and on change of certain related acts (Act on paramedical professions), as amended, Act No. [108/2006 Coll.](#), on social services, as amended.
- 52e) Act No. [561/2004 Coll.](#), as amended.
- 52f) Act No. [561/2004 Coll.](#), as amended.
- Act No. [179/2006 Coll.](#), on verification and recognition of results of further education and on change to certain acts (Act on recognition of results of further education), as amended.
- Act No. [111/1998 Coll.](#), as amended.
- 52g) For example Decree No. [50/1978 Coll.](#), on professional qualification in the field of electronics, as amended by Decree No. [98/1982 Coll.](#), Decree No. [77/1965 Coll.](#), on training, qualifications and registration of operating personnel of building machines.
- 53) Act No. [96/2004 Coll.](#), on the conditions for attaining and recognizing qualifications to perform professions other than medical professions and to perform activities relating to health care provision and on amendments to certain other Acts (the Act on Professions other than Medical Professions).
- 54) [Section 141a](#) of the Labour Code.
- Decree No. [140/1968 Coll.](#), on work concessions and economic security for those studying concurrent to employment, as amended by Act no. [188/1988 Coll.](#) and Decree No. [1/1994 Coll.](#)
- 55) Act No. [72/2000 Coll.](#), on investment incentives and on amendments to certain Acts (Act on investment incentives), as amended.
- 56) Act No. [111/1994 Coll.](#), on road transport, as amended.
- Act No. [266/1994 Coll.](#), on rail systems, as amended.

57) [Section 11](#) of the Labour Code.

58) Act No. [121/2000 Coll.](#), on copyright, rights related to copyright and on amendments to certain Acts (the Copyright Act).

59) Act No. [40/1995 Coll.](#), on the regulation of advertising and amending and supplementing Act no. 468/1991 Coll., on radio broadcasting and television broadcasting, as amended.

62) Act No. [118/2000 Coll.](#), as amended.

63) Act No. [552/1991 Coll.](#), on State Inspection, as amended.

64) Act No. [320/2001 Coll.](#), on Financial Control in Public Administration and Amendments to Some Acts (the Act on Financial Control) as amended.

[Section 44 of Act No. 218/2000 Coll.](#), as amended.

Act No. [337/1992 Coll.](#), as amended.

65) Act No. [13/1993 Coll.](#), the Customs Act, as amended.

Act No. [185/2004 Coll.](#), on the Customs Administration of the Czech Republic.

Act No. [251/2005 Coll.](#), on Labour Inspection, as amended.

67) Act No. [500/2004 Coll.](#), on administrative procedure (Administrative Procedure Code), as amended by Act No. [413/2005 Coll.](#)

68) [Section 266](#) of the Labour Code.

69) [Section 7 paragraph 3 of Act No. 71/1967 Coll.](#)

70) Act No. [61/1988 Coll.](#), on mining activities, explosives and the State Mining Administration, as amended

71) [Section 33 paragraph 3 of the Labour Code.](#)

71a) For example [Section 8 of the Criminal Code.](#)

72a) [Section 42i of Act No. 326/1999 Coll.](#), as amended of Act No. [427/2010 Coll.](#)

73) [Section 67 of the Labour Code.](#)

74) [Section 138 and the following of Act No. 221/1999 Coll.](#), on professional soldiers, as amended.

[Section 155 and the following of Act No. 361/2003 Coll.](#), on the service status of members of the police forces, as amended.

75) Act No. [73/2011 Coll.](#), on the Labour Office of the Czech Republic and the change to certain related acts.

76) [Section 2 of Act NO. 73/2011 Coll.](#)

77) [Section 8a of Act No. 365/2000 Coll.](#), on information system of public administration and on change to certain other act, as amended by Act No. [130/2008 Coll.](#) and Act No. [190/2009 Coll.](#)

- 78) [Section 3 of Act No. 251/2005 Coll.](#), on the labour inspection, as amended.
- 79) [Section 52 h\) of the Labour Code.](#)
- 80) Act No. [198/2009 Coll.](#), on equal treatment and on legal protective measures against discrimination and on the change to certain acts (Anti-discrimination Act).
- 81) [Section 2 of the Labour Code.](#)
- 82) [Section 3 of the Labour Code.](#)
- 83) [Section 4b of Act No. 73/2011 Coll.](#), on the Labour Office of the Czech Republic and the change to certain related acts, as amended by Act No. [366/2011 Coll.](#)
- 84) Act No. [277/2009 Coll.](#), on insurance business, as amended by Act No. [409/2010 Coll.](#)
- 85) [Section 356 of the Labour Code.](#)
- 86) Act No. [37/2004 Coll.](#), on insurance contracts and on change to certain related acts (Insurance Contract Act), as amended.
- 87) [Section 136 of Act No. 182/2006 Coll.](#), on insolvency and its resolution (Insolvency Act), as amended.
- 88) [Section 39 paragraph 2 a\) and b\) of Act No. 155/1995 Coll.](#), as amended.
- 89) [Section 4a of Act No. 73/2011 Coll.](#), as amended by Act No. [366/2011 Coll.](#)
- 90) Act No. [592/1992 Coll.](#), on premiums for general health insurance, as amended.
- 91) [Section 111 of the Labour Code.](#)
- 92) Act No. [418/2011 Coll.](#), on criminal liability of legal entities and proceedings towards legal entities.