

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.  
Amending: 350/2005 Coll.  
Amending: 495/2005 Coll.  
Amending: 382/2005 Coll., 413/2005 Coll., 444/2005 Coll.  
Amending: 161/2006 Coll.  
Amending: 264/2006 Coll. (part)  
Amending: 109/2006 Coll., 115/2006 Coll.  
Amending: 214/2006 Coll.  
Amending: 165/2006 Coll.  
Amending: 109/2006 Coll. (part), 112/2006 Coll., 264/2006 Coll.  
Amending: 159/2007 Coll.  
Amending: 181/2007 Coll.  
Amending: 213/2007 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) Labour Offices.

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 Offices,
- 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.

Section 4  
**Equality and Non-Discrimination in Labour Relations**

(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; the distinctions set forth in this Act or in the special legal regulation shall not be deemed to constitute unequal treatment.

(2) Any form of direct or indirect discrimination of persons exercising their right to employment on the grounds of gender, sexual orientation, racial or ethnic origin, nationality, citizenship, social origin, birth, language, state of health, age, religion or faith, property, marital status or duties to one's family, political or other opinions, membership of and activities in political parties or movements, trade unions or employer organizations is prohibited; discrimination for reason of pregnancy or motherhood shall be deemed to constitute discrimination for reason of gender. Conduct involving incitement, aiding and abetting, or coercion to discriminate shall also be considered discrimination.

(3) Different treatment for the reason set forth in paragraph 2 shall not be deemed to constitute discrimination provided the nature of the employment or related activities make this reason a substantial and deciding condition of performing the employment which the natural person has to perform and is essential for the performance of this employment; the objective monitored by such an exception must be justified and the requirements must be commensurate.

(4) Neither shall measures set forth by law whose goal is to prevent or to counterbalance disadvantages arising from the natural person's membership of a group limited by any of the reasons set forth in paragraph 2, nor measures adopted pursuant to Section 6 paragraph 1e) and Section 8 paragraph 1c), be deemed to constitute discrimination.

(5) Direct discrimination is understood to be behaviour which does, has or would, on the basis of the discriminatory grounds defined above, treat a natural person less favourably than another natural person is, was or would be treated in a comparable situation.

(6) Indirect discrimination is understood to be behaviour when a seemingly neutral provision, criterion or practice causes a disadvantage or advantage to one natural person over another on the basis of the discriminatory ground defined above; indirect discrimination for reason of a state of health includes refusing or neglecting to adopt measures which are essential in a specific case for a disabled person to have access to employment. A seemingly neutral provision, criterion or practice which is objectively justified by a legitimate aim and where the means by which this aim is achieved is reasonable and essential, or a situation where the disabled person is accompanied by a legal entity or natural person who is required to take the necessary measures to eliminate the disadvantages arising from such a provision, criterion or practice, is not understood to constitute indirect discrimination.

(7) Harassment is understood to be behaviour which a second person is entitled to perceive as unwelcome, inappropriate or insulting and the aim or consequence of which leads to that person's dignity being compromised or to the creation of an unfriendly, degrading or uncomfortable environment.

(8) Sexual harassment is understood to be any form of undesirable verbal or other behaviour of a sexual character, the aim or consequence of which is a disturbance of a person's dignity, especially if an intimidating, hostile, degrading, humiliating or insulting environment is created.

(9) Persecution for reason of gender, sexual orientation, racial or ethnic origin, physical handicap, age, religion or faith and sexual harassment are regarded as forms of discrimination.

(10) If there is a breach of the rights and duties ensuing from the concept of equal treatment or discrimination takes place when exercising the right to employment, the natural person shall have the right to demand that

- a) such a breach be discontinued,
- b) the consequences of the breach be removed, and
- c) they be provided with reasonable satisfaction.

(11) If the dignity or self-respect of the natural person was considerably reduced and sufficient compensation was not provided pursuant to paragraph 10, they have the right to compensation for the detriment in money.

(12) The amount of compensation referred to in paragraph 11 shall be decided by court at the request of the natural person, taking account of the seriousness of the detriment and of the circumstances under which the breach of rights and duties occurred.

## Section 5 Description of 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, 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, their permanent address on the territory of the Czech Republic,

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. 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 in brokering employment, or
6. other serious personal reasons, such as ethical, moral or religious reasons, which the job seeker shall submit and prove,

d) systematic training for a future career during daily studies at secondary and tertiary technical schools, during preparation studies for university, during daily studies at other schools which provide systematic training for a future career in accordance with special legal regulations, 9) including holidays that are part of the school or academic year,

e) illegal work,

1. when a natural person does not perform work for a legal entity or natural person on the basis of a socio-legal relationship or another contract, when the natural person is not the spouse or child of this natural person, or

2. when a foreign national does not perform work for a legal entity or natural person on the basis of a socio-legal relationship or another contract, when the natural person is not the spouse or child of this natural person, or when he/she fails to perform it in compliance with the work permit that has been issued or performs it without this work permit, a work permit shall be required according to this Act.

## 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) systematically monitors and evaluates the situation on the labour market, draws up employment forecasts, takes action to influence labour supply and demand and 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) ensures the formation of a national system of professional training to reflect developments in the labour market,

d) manages the Labour Offices,

e) adopts measures to support and achieve equality between men and women, 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 employment, retraining, vocational training and specialized retraining courses, and adopts measures to promote the employment of these persons,

f) administers and funds the Government employment policies, determines their application, 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 and coordinates activities falling under the European Employment Services system,

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

h) 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,

i) establishes Government retraining centres and work training centres for the disabled,

j) maintains a centralized system of records of persons interested in work, job seekers and the disabled for the purpose of employment and records of permits for children to perform artistic, cultural, sporting and advertising activities,

k) issues and withdraws permits enabling legal entities or natural persons to broker employment, maintains records of employment agencies and monitors their activities,

l) executes the inspection activities stipulated by this Act, including imposing fines.

(2) The records kept pursuant to paragraph 1j) are based on data supplied by the Labour Offices and may be used for the purposes laid down in special legal regulations; for other purposes [such as paragraph 1 a) and b)] the data shall be used anonymously.

## CHAPTER IV

### LABOUR OFFICES AND THEIR SCOPE OF AUTHORITY

#### Section 7

(1) Labour Offices are administrative bodies. The Labour Offices is headed by a Director; the conditions of his appointment and removal are laid down in a special legal regulation. 10)

(2) The districts administered by Labour Offices correspond to the territorial districts. 11) The administrative district of the Labour Office for the City of Prague is the territorial district of the City of Prague. 11) The names and registered offices of the Labour Offices are set forth in Annex no. 1 to this Act.

(3) The territorial competence of a Labour Office shall be determined according to the place where the employment is to be performed, or the residence of the natural person whose state of health is under assessment by the Labour Office, unless this Act stipulates otherwise.

(4) For the purpose of ensuring cooperation on the labour market, Labour Offices establish 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.

(5) The Labour Offices create 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 8

### (1) The Labour Office

a) draws up a concept for the development of employment in its administrative district, systematically monitors and evaluates the situation in the labour market and takes action to influence labour demand and supply; to this end it cooperates with the coordinating Labour Offices and may seek information from employers regarding their employment plans,

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) assumes responsibility for and supports projects and measures connected with the development of human resources for the labour market that are implemented in its administrative district, 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,

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

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

g) 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,

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

i) 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; data from these records is transferred to the central records maintained by the Ministry [Section 6 paragraph 1j)],

j) 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 community service or short-term employment or refused to take up community service or short-term employment brokered by the Labour Office,
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,

k) confirms the period of their entry in the register of job seekers for EU citizens 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,

l) performs inspection activities to the extent laid down in this Act, including imposing fines,

m) assesses and decides whether a person is physically disabled [Section 67 paragraph 2c)], and, in the cases set forth in Section 9 paragraph 7 on whether a person should not be regarded as physically disabled,

n) assesses, for the purposes of providing benefits or additional aid pursuant to special legal regulations

1. long-term ill-health of a child,
2. whether a person is able to raise his standard of living through his own work, considering his state of health,
3. whether the person is severely disabled and the level of this disability for the purposes of awarding additional aid, housing adaptation allowances, financing disabled housing or garaging, the purchase, reconditioning and repair of a motor vehicle and transport allowances,
4. whether the person is permanently severely disabled, permanently disabled or a child with a long-term illness for the purposes of assessing state social service benefits,
5. the level of dependence of the person for the purposes of assessing benefits for care,

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

(2) In addition to the activities set forth in Paragraph 1, the Labour Office set forth in Annex no. 2 for the administrative district described in this Annex also

a) develops an employment concept and strategy and processes statistics, analyses and outlooks,

b) coordinates the activities of the Labour Offices in implementing active employment policies,

- c) the activity of the European employment services,
- d) cooperates in developing international programmes or programmes with international participation related to the development of human resources and financed from the European Structural Funds,
- e) manages educational and training centres and work training centres for the disabled,
- f) cooperates in questions of protecting employment, ensuring the mobility of the workforce and the development of human resources with the territorial self-governing units, the relevant union organizations and employers' organizations,
- g) develops specifications for granting investment incentives.

## CHAPTER V

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

#### Section 9

(1) The Labour Office shall examine the state of health of a natural person for the purposes of making a decision pursuant to Section 8 paragraph 1m) and shall make an assessment pursuant to Section 8 paragraph 1n) based on an opinion supplied by the doctor designated by the Labour Office.

(2) The assessment pursuant to Section 8 paragraph 1n) shall be performed on the basis of a request by the administrative body managing the proceedings for which the assessment has been requested, or if the doctor assigned by the Labour Office or the Ministry learns of any fact relevant to the assessment, which would justify verifying the original assessment.

(3) The Labour Office is authorized to request that the person whose state of health is being assessed for the purpose of issuing an opinion pursuant to Section 8 paragraph 1n), shall

- a) undergo a medical examination by a doctor assigned by the Labour Office,
- b) undergo a medical examination at a health care facility or undergo another specialized examination at the request of the doctor assigned by the Labour Office, or
- c) cooperate in other ways needed to issue an opinion; this person shall be obliged to comply with this request.

(4) Should the person referred to in paragraph 3 fail to undergo the examination in the health care facility pursuant to paragraph 3a) or b) or refuse to cooperate pursuant to paragraph 3c), the Labour Office shall inform the administrative body managing the proceedings for which the assessment has been requested of this fact.

(5) The provisions of paragraph 3 shall also apply to a person whose state of health is assessed for proceedings to determine whether the person is physically disabled and for a person who has been found to be physically disabled in the event of an investigation into the original assessment.

(6) If the person whose state of health is being assessed in proceedings to determine whether he is disabled fails to attend a medical examination, although he was invited to attend this examination, the proceedings may be postponed until such time as the person attends this examination, provided he has been warned of these consequences in the invitation. If the proceedings are postponed for a period of over 12 months pursuant to the first sentence above, the proceedings may be suspended.

(7) Should a person who was found to be a disabled person not attend a medical or other specialized examination, he shall not be deemed to be a disabled person from the day this fact is recorded in the decision of the Labour Office; however, this is on condition that the person, or his legal representative, were warned of this possibility.

#### Section 9a

(1) The Administrative Procedure Code does not cover the procedure for issuing an opinion pursuant to Section 8, paragraph 1n), with the exception of the provisions concerning the fundamental principles of the activities of administrative bodies, provisions concerning disqualification from hearing or judging cases and provisions concerning case files.

(2) The deadline for issuing an opinion pursuant to Section 8 paragraph 1n) is 30 calendar days, unless the body requesting the assessment sets a later date. If the assessment is not issued by the deadline set forth in the first sentence above for serious reasons, the Labour Office shall inform the body requesting the assessment without delay; in this case the deadline set forth in the first sentence above shall be extended for 30 calendar days, unless the body requesting the assessment sets a later date.

(3) The Labour Office shall only send those parts of the opinion that do not contain information concerning the assessed person's state of health to the body that requested that the opinion pursuant to Section 8 paragraph 1n).

(4) The Labour Office shall send a copy of the opinion issued pursuant to Section 8 paragraph 1n), to the district social security authority within 7 days, provided it requests this report for the purpose of determining the state of health of the person for pension and health insurance.

#### Section 9b

(1) Health care facilities shall be obliged, at the request of a Labour Office or a contracted doctor designated by a Labour Office

a) to perform a medical examination of the person,

b) to produce medical notes as requested for the purpose of assessing the person's state of health.

(2) At the request of the doctor referred to in paragraph 1, health care facilities shall be obliged to provide him, free of charge, with the information needed to assess a person's state of health, to allow him access to the medical files and to loan him the medical files for the length of time necessary and to the extent required to assess the person's state of health.

(3) Health care facilities shall comply with the obligations set forth in paragraphs 1 and 2 within the deadline set by the Labour Office or the doctor referred to in paragraph 1, and if no deadline has been set, within 15 calendar days of the date on which they received the request.

(4) The fee for the procedures set forth in paragraph 1 shall be determined by the list of medical procedures with point values 14) and by special legal regulations 14a). Payment shall be made by the relevant Labour Office that requested that the procedure be performed, on the basis of an invoice presented by the health care facility. The same shall apply to the payment of postal costs for sending the medical files pursuant to paragraph 2.

## 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 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 Section 4

paragraphs 3 and 4, 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 paragraph 3 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 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) Labour Offices,
- b) legal entities or natural persons who are authorized to broker 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) Labour Offices 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) Labour Offices and employment agencies shall cooperate in resolving the situation in the labour market.

## 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 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 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 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 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 LABOUR OFFICES

#### Section 18

(1) Labour Offices 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 Community regulating the free movement of persons throughout the European Community. 20)

(3) Labour Offices shall broker employment free of charge.

#### Section 19

(1) A natural person may find employment through a 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 Labour Office.

(2) 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 Labour Office as required while brokering the employment and of their obligation to follow the instructions of that Office.

#### Section 20

(1) A natural person has the right to be found suitable employment. Suitable employment, unless otherwise 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) .

## Section 21

(1) A natural person for whom the Labour Office provides services covered by this Act, shall be obliged to provide the 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 registered paediatrician or general practitioner, or if he has no registered doctor, an opinion from another attending doctor 24) (hereinafter referred to as the "attending doctor").

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

a) at a contractual health care facility designated by the Labour Office, 25) if

1. he is requesting a vocational rehabilitation programme or a grant to create a protected job (Section 75), or
2. he has claimed health reasons preventing him from complying with his obligations as a job seeker or from starting a retraining programme,

b) by the appropriate preventive care works doctor, 26) 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 attending doctor.

(3) Costs associated with assessing the state of health pursuant to paragraph 2 shall be covered by 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 Labour Office on the territory of the Czech Republic. The Labour Office will broker a suitable job for the person and may also provide him 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 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 Labour Office in brokering employment or obstructs it. After removing the person from the register, 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 his 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 Labour Office in whose administrative district he is resident broker suitable employment and, on compliance with the conditions set out in the legislation, is entered into the register of job seekers.

#### Section 25

(1) Unless otherwise stipulated in this Act, a job seeker may only be a natural person 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 5,

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 a limited partner in a limited partnership or a partner in a public corporation 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 public limited corporation 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 public corporation 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,
- i) a member of the board of a regional authority, 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) the Director of the Security Intelligence Service,
- o) a member of the Council for radio and television broadcasting, a member of the Council of the Institute for studies of totalitarian regimes or a member of the Council of the Czech Telecommunications Institute,
- p) a trustee in bankruptcy or an administrator pursuant to a special legal regulation 28) or a receiver pursuant to a special legal regulation, 29) for the period during which he performs this activity,
- q) 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)
- r) gainfully employed abroad, or
- s) a natural person following systematic training for a future career.

(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 performing basic or replacement military service, 31)
- c) is performing civil service, 32)
- d) is serving a sentence or is in prison,
- e) is receiving maternity benefits during the period up to the birth and 6 weeks after giving birth, or
- f) is an invalid pursuant to Section 39 paragraph 1a) of Act no. 155/1995 Coll., on pension insurance.

(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 activity is performed for less than half of the standard weekly working hours (22) and 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, their extent and the amount of his remuneration to the Labour Office. In the event 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) 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.

(5) Employment that is not suitable employment for the job seeker (Section 20) and is brokered by 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 it is appropriate for his state of health (hereinafter referred to as "short-term employment").

(6) 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).

## 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 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 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 management of the register of job seekers are provided by the job seeker when submitting the request to mediate employment; he is required to report any changes in these facts, with the exception of commencing employment and the performance of activities set forth in Section 25 paragraph 3, at the latest within 8 calendar days. He is required to report the reasons for which he did not attend the Labour Office within the same period. The job seeker is required to report the commencement of employment at the latest on the working day preceding the day agreed as the first day of work and to provide evidence of the commencement of labour law relations within 8 calendar days; in the same way, the job seeker is required to report the start of those activities set forth in Section 25 paragraph 3.

(3) A job seeker who changes address during the period he is entered in the register of job seekers, is required to report this fact to the Labour Office where he is registered as a job seeker within 8 calendar days at the latest. The Labour Office shall transfer the register of job seekers to the appropriate Labour Office for his new address by the day he changes address.

#### Section 28

A job seeker may request the relevant Labour Office (Section 24) that the Labour Office in whose administrative district he is located for serious reasons broker employment. If the Labour Offices 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 Labour Office in whose administrative district the job seeker is in fact located. If the Labour Offices are unable to agree, the Ministry shall determine which Labour Office will broker the employment and assume the other rights and obligations arising from this Act.

#### Section 29

##### **Terminating Management of the Register of Job Seekers**

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

- a) he begins work, with the exception of cases set forth in Section 25 paragraphs 3 and 5, or commences other activities set forth in Section 25 paragraph 1, 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,
- c) a prison sentence is commenced, or

d) following the day a job seeker dies or the day following the day the job seeker is declared dead.

### Section 30

#### **Removal from the Register of Job Seekers**

(1) The Labour Office shall 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 paragraph 2a), d) and e),

b) the job seeker is found by a doctor to be incapable of fulfilling his obligations to cooperate with the Labour Office in brokering employment,

c) the job seeker has been imprisoned for a period of over 6 months,

d) the job seeker has refused to allow his personal data to be processed, or

e) the job seeker has worked illegally.

(2) 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,

c) fails to comply with the conditions set forth in the individual action plan (Section 33 paragraph 2),

d) refuses to undergo a medical examination (Section 21 paragraph 2), or

e) obstructs cooperation with 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 occurred. 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.

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

- a) he is considered by a doctor to be capable of fulfilling his obligations to the Labour Office, and still fails to fulfil them,
- b) he fails to discuss a recommended job by the deadline established by the Labour Office,
- c) he fails to report deciding facts within the set term (Section 27, 42),
- d) he fails to attend the Labour Office at the agreed time without serious reason [Section 5c)],
- e) he fails to fulfil the obligations set forth in Section 21, or
- f) other behaviour obstructs the commencement of employment.

### Section 32

(1) On termination of inclusion in the register of job seekers, 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 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. This particularly concerns

- a) natural persons with medical afflictions (Section 67),
- b) natural persons under the age of 25,
- c) university graduates over 2 years after graduation, up to the age of 30,
- d) pregnant women, nursing women and mothers up to nine months after giving birth,
- e) natural persons caring for children under the age of 15,
- f) natural persons over the age of 50,
- g) natural persons who have been on the register of job seekers for more than 6 months,
- h) natural persons requiring special assistance; these are understood to be natural persons who have temporarily found themselves in exceptionally difficult circumstances or who live in them, natural persons who are socially unassimilated, natural persons after their release from prison and natural persons from socioculturally disadvantaged environments.

(2) The Labour Office, in coordination with the job seeker covered by paragraph 1 may draw up an individual action plan that aims to improve the position of the job seeker on the labour market; the Labour Office is obliged to offer job seekers referred to in paragraph 1b) and c) the option of drawing up such a plan. 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 is obliged to cooperate in drawing up the individual action plan and to comply with the conditions laid down therein.

## **Job Vacancies**

### Section 34

The employer receives the necessary number and breakdown of employees through his own efforts or with the help 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 is obliged to inform the relevant Labour Office of job vacancies and their nature (Section 37) within 10 calendar days and to report the filling of these vacancies without undue delay, at the latest within 10 calendar days. Job vacancies are understood to be newly created or free job positions for which the employer intends to obtain employees. The limit for notification commences on the day following the creation, vacation or occupancy of these jobs.

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

### Section 36

At the request of the Labour Office, the employer shall select from the announced job vacancies, jobs suitable for job seekers for whom the Labour Office provides additional care in brokering employment (Section 33).

### Section 37

The Labour Offices holds records of job vacancies that include the basic nature of the job, which defines the type and place of work, the job conditions and requirements, basic information concerning work and wage conditions. 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 38

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 Labour Office shall not offer or publish job offers that are discriminatory in nature or which conflict with labour law (Section 127) and other legal regulations or which are in conflict with good morals. Neither is 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 and salary regulations.

### 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) been employed for a period of at least 12 months during the period under review (Section 41) or been involved in other gainful activities involving the obligation to pay premiums for pension insurance and contributions to the Government employment policy 21) (hereinafter referred to as "temporary work"),

b) requested that 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) A job seeker who has the right to a service pension pursuant to special legal regulations 33) or to a service rent pursuant to special legal regulations 34), where this would be higher than the unemployment benefit the job seeker would receive if he did not have the right to a service pension or a service rent, does not have any right to receive unemployment benefit.

(3) The Labour Office shall decide whether to award unemployment benefit.

##### Section 40

(1) A job seeker who attends a retraining course offered by a Labour Office (Section 109) and on the day the retraining allowance is approved is not the recipient of an old-age pension shall have the right to receive a retraining allowance.

(2) 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 3 years prior to inclusion in the register of job seekers.

(2) For the purposes of complying with the conditions laid down in Section 39 paragraph 1a) substitute periods of employment are included in the term of previous employment. Periods of employment or other gainful activities performed when the job seeker was included in the register of job seekers (Section 25 paragraphs 1 and Section 25 paragraph 3) and short-term employment are not included in the term of previous employment. Should the period of employment or other gainful activities and the substitute periods of employment overlap, only the period of employment or other gainful activities shall 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 a full invalidity pension, 35)
- c) serving basic (substitute) military duties,
- d) performing civil service duties,
- e) personal care of a child under the age of 4,
- f) 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,
- g) long-term voluntary service exceeding an average of at least 20 hours in a calendar week on the basis of a volunteer contract from the posting organization which was accredited by the Ministry of the Interior,
- h) systematic training for a future career.

(4) No more than 6 months may be counted as substitute employment pursuant to paragraph 3h) for the purposes of fulfilling the conditions set forth in Section 39 paragraph 1a).

(5) 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 in the application for unemployment benefit, such as an employment certificate, an employment contract, 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 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 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 6 months,
- b) between 50 and 55 years of age 9 months,
- c) over 55 years of age 12 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 after

- a) the provision of an old-age pension,
- b) the provision of health insurance benefits,
- c) detention.

(2) At the end of the period set forth in paragraph 1, the Labour Office providing unemployment benefit or retraining allowance shall suspend the decision.

(3) Unemployment benefit shall not be paid to a job seeker after a period during which he has received a retraining allowance.

### 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) when a retraining allowance is being paid (Section 40, Section 72 paragraph 5 and Section 74 paragraph 2),
- c) detention.

#### Section 47

Periods during which the job seeker was removed from the register of job seekers shall be included in the period of support, with the exception of Section 30 paragraph 1a), if he was removed from the register of job seekers for the reason set forth in Section 25 paragraph 2f) and Section 30 paragraph 1b), for a period of 3 months from the day of removal.

#### Section 48

A job seeker who has not exhausted the entire period of support in the past 3 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 and Government employment policy contributions 21) 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 1a)].

#### Section 49

(1) A job seeker who has exhausted the entire period of support in the past 3 years before being included in the register of job seekers, and who after exhausting this period of support started to work or entered into gainful activity involving the obligation to pay premiums for pension insurance and Government employment policy contributions 21) for a period of at least 6 months, has the right to unemployment benefit 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 1a)].

(2) The period of 6 months pursuant to paragraph 1 shall not include a period of employment or other gainful activity performed during the period of inclusion in the register of job seekers (Section 25 paragraphs 1 and 3) and 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) which the job seeker received and was last used for labour law purposes in his last terminated employment during the period under review in accordance with labour law regulations; 38) in the event these labour law regulations did not apply in his case in view of the amendments made by special legal regulations to the legal relations in which he performed his last terminated employment, his average net monthly earnings shall be assessed in the same way according to labour law regulations for the purposes of unemployment benefit 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 3 months of the period of support, the percentage rate for unemployment benefit shall be set at 50% and for the remaining period of support 45% of the average net monthly earnings or assessment base. 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 and Government unemployment policy contributions 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 pension 33) or 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 3 months of unemployment benefit for a job seeker shall be set at 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. The same procedure shall be used in cases where the job seeker performed a gainful activity which did not involve the obligation to pay premiums for pension insurance and Government employment policy contributions before commencing 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 and Government employment policy contributions, 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 and Government employment policy contributions.

## Section 53

(1) 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.

(2) 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.

(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 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 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 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 Labour Office subsequently discovers that he has been registered for an old age pension or a full disability pension pursuant to Section 39 paragraph 1a) of Act no. 155/1995 Coll., on pension insurance, or

d) the Labour Office subsequently discovers that he has received health insurance benefits.

(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 of the performance of gainful activities, with the exception of those activities set forth in Section 25 paragraphs 3 and 5,

b) of drawing an old age pension,

c) of drawing a full disability pension pursuant to Section 39 paragraph 1a) of Act no. 155/1995 Coll. , on pension insurance, or

d) of receiving health insurance benefits.

(3) 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 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 59

For statistical purposes, employment agencies shall provide the following data for the previous calendar year to the Ministry 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 1, a),
- b) the number of natural persons they provided,
- c) the number of their employees who worked for a user.

#### Section 60

(1) Permission to broker employment pursuant to Section 14 paragraph 3b) is given by the Ministry 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 23 years of age, competent to perform legal acts, of good character, professionally competent and resides on the territory of the Czech Republic.

(3) A natural person 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. Good character is attested to by an extract from the Criminal Records, which may not be over 3 months old; 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.

(4) 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.

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

(6) A permit may be issued to a legal entity on condition the conditions set forth in paragraphs 2 to 4 are met by a natural person who acts as their liable representative for the purposes of brokering employment (hereinafter referred to as the "liable representative"). No natural person may act as a liable representative for more than 2 legal entities.

(7) Should any reasonable suspicion exist that its protected interests are under serious threat or that unauthorized brokering activities are being performed, the Ministry shall have the right to check whether the legal entities or natural persons set forth in Section 14 paragraph 3 are competent to provide brokering services. The Ministry shall conduct these checks in accordance with a special legal regulation.

## 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 issued,
- d) the type of employment for which the permit to broker employment is issued,
- e) the district in which the employment brokerage is to be carried out,
- f) identification data of the liable representative.

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

- a) certificates attesting to the good character and 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 issued,
- d) the type of employment for which the permit to broker employment is issued,
- e) the district in which the employment brokerage is to be carried out.

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

- a) an attestation of good character,
- 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 paragraphs 2, 3 and 4 shall be submitted as certified originals or certified copies. 40) Documents in foreign languages shall be submitted along with a sworn translation in Czech, unless otherwise stipulated by an international treaty, ratified by the Parliament and binding on the Czech Republic.

(6) A natural person who is a citizen of an EU Member State, or a member of his family, may submit documentation certifying his compliance with the conditions for issuing a permit to broker employment in that EU Member State to prove his professional competence and experience to receive a permit to broker employment, unless he complies with the conditions regarding professional competence and practical experience set forth in Section 60 paragraph 4.

(7) A legal entity or natural person applying for a permit to broker employment shall provide the information set forth in paragraphs when submitting the application for a permit to broker employment. The legal entity of natural person shall notify the Ministry of any subsequent changes within one month.

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

## Section 62

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

- a) identification data,
- b) the name, or name and surname of the liable representative,
- c) the district, 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,
- b) the district, 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; permits 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 Ministry to revoke the permit.

(2) The Ministry shall revoke the permit to broker employment if the legal entity or natural person

- a) ceases to comply with the conditions set forth in Section 60,
- b) 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
- c) so requests.

(3) If the permit to broker employment has been revoked for the reasons set forth in paragraph 2b), 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.

### 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 Ministry 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. The part of the records that are accessible by the public contain the data set forth in Section 61 paragraphs a) to e) and in Section 61 paragraphs 3a) to e) apart from the birth number, the date and place of birth and the address.

### 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. 42)

### **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

a) recognized by the social security authorities as full invalids (hereinafter referred to as "seriously disabled persons"),

b) recognized by the social security authorities as partial invalids,

c) recognized by decision of the Labour Office as having diminished capacities (hereinafter referred to as "persons with diminished capacities").

(3) A natural person who has maintained the ability to perform his current job or other gainful activities, but whose ability to be or to remain employed, to perform his current employment or to use his current qualifications or gain new qualifications are significantly restricted by reason of his long-term unfavourable state of health are deemed to be persons with diminished capacities pursuant to paragraph 2c).

(4) For the purposes of this Act, a long-term unfavourable state of health is deemed to be an unfavourable state of health that, according to medical science, is due to last for more than one year and significantly restricts the psychological, physical or mental abilities, and thereby the ability to work.

(5) A natural person shall prove that he is a disabled person pursuant to paragraphs 2a) and b), by submitting a certificate or decision from the social security authorities. A natural person shall prove that he is a disabled person pursuant to paragraph 2c), by submitting a decision from the Labour Office.

##### **Section 68**

(1) The Labour Offices 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 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 local 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 Labour Offices, 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 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 5).

(5) On the recommendation of an attending doctor, issued in the name of a health care facility, natural persons who are recognized as being temporarily incapable of working may also be sent for vocational rehabilitation. Sending these natural persons for vocational rehabilitation may not conflict with their state of health; 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 246 of the Labour Code; the provisions of Section 103 to 106 of the Labour Code 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 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 and protected workshops

#### Section 75

(1) A protected workplace is a workplace adapted by the employer for a disabled person on the basis of a written agreement with the Labour Office. A protected workplace must be operated for a period of at least 2 years from the date agreed in the agreement. The Labour Office may subsidise the employer to create the protected workplace.

(2) 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.

(3) 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 payment was approved by instalments and there has been no delay in payment of these instalments.

(4) The application for a contribution to create a protected workplace shall contain

- a) the identification data of the employer,
- b) the location and scope of business.

(5) The nature of the protected workplace and their number, a confirmation of the liabilities regarding social insurance premiums and contributions to the Government employment policy, public health insurance premiums and an account statement from the financial institution shall be attached to the application.

(6) 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) the period during which the protected workplace will be in operation,
- e) the amount of the contribution, its description and the method of payment,
- f) the conditions under which the contribution will be granted,
- g) the manner of monitoring compliance with the agreed conditions,
- h) the conditions and dates for clearing payments made,
- i) an undertaking by the employer 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.

(7) In the agreement, the Labour Office shall be obliged to distinguish conditions for granting the contribution into

a) conditions, the breach of which shall entail liability to pay a penalty for breach of budgetary discipline, pursuant to a special legal regulation, 44)

b) other conditions, the breach of which shall entail liability to pay a penalty for breach of budgetary discipline, pursuant to a special regulation. 45)

Should no distinction between conditions be made in the agreement, it shall be assumed that these are conditions set in accordance with letter a).

(8) Failure to comply with conditions for granting the contribution pursuant to paragraph 7 or the failure to return the contribution by the due date shall be deemed to be a breach of budgetary discipline. 46)

(9) The Labour Office may also conclude an agreement to grant a contribution 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 7 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.

(10) On the basis of a written agreement with the employer or the disabled person who has decided to become self-employed, the Labour Office may also grant a contribution to partially cover the operating costs of a protected workplace occupied by a disabled person; the annual amount of this contribution may not exceed three times the average national wage for the first to the third quarter of the preceding calendar year.

## Section 76

(1) A protected workshop is an employer's workplace, defined on the basis of an agreement with a Labour Office and adapted to employ disabled persons, where 60% of the annually adjusted number of employees must be disabled. A protected workshop must be in operation for a period of at least 2 years from the date agreed in the agreement. The Labour Office shall grant the employer a contribution for the creation of a protected workshop.

(2) The contribution for creating a protected workshop may amount to a maximum of eight times the average national wage for the first to the third quarter of the preceding calendar year for each person employed in the protected workshop adapted for disabled persons and twelve times this wage for each seriously disabled person employed. If, on the basis of a single agreement with the Labour Office, the employer creates 10 or more jobs in the protected workshop, the contribution for creating one job 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.

(3) 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 payment was approved by instalments and there has been no delay in payment of these instalments.

(4) The agreement on the creation of a protected workshop shall contain

- a) the identification data of the parties to the agreement,
- b) the nature and number of jobs in the protected workshop,
- c) an undertaking by the employer that he will employ disabled persons for the jobs created,
- d) the period during which the protected workshop will be in operation,
- e) the amount of the contribution, its description and the method of payment,
- f) the conditions under which the contribution will be granted,
- g) the manner of monitoring compliance with the agreed conditions,
- h) the conditions and dates for clearing payments made,
- i) an undertaking by the employer 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.

(5) In the agreement, the Labour Office shall be obliged to distinguish conditions for granting the contribution into

- a) conditions, the breach of which shall entail liability to pay a penalty for breach of budgetary discipline, pursuant to a special legal regulation, 44)
- b) other conditions, the breach of which shall entail liability to pay a penalty for breach of budgetary discipline, pursuant to a special regulation. 45)

Should no distinction between conditions be made in the agreement, it shall be assumed that these are conditions set in accordance with letter a).

(6) Failure to comply with conditions for granting the contribution pursuant to paragraph 5 or the failure to return the contribution by the due date shall be deemed to be a breach of budgetary discipline. 46)

(7) On the basis of a written agreement with the employer, the Labour Office may also grant the employer a contribution to partially cover the operating costs of a protected workshop. The amount of this contribution may not exceed a maximum of four times the average national wage for the first to the third quarter of the preceding calendar year for one

employee who is a disabled person and a maximum of six times the average wage referred to above for one employee who is a seriously disabled person. In order to determine the number of employees who are disabled persons and seriously disabled persons, the adjusted annual numbers shall be decisive.

#### Section 77

(1) The Ministry shall use an implementing legal regulation to stipulate the nature of protected workplaces and protected workshops, the method of calculating the annually adjusted number of employees working in the protected workshop, the type of cost for which a contribution to partially cover the operating costs of a protected workplace or protected workshop, and the manner of paying the contribution.

(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.

#### Section 78

##### **Contribution to support the employment of disabled persons**

(1) Employers whose workforce includes more than 50% of disabled employees shall receive a contribution to support the employment of these persons. The competent Labour Office to grant this contribution is 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 monthly contribution amounts to

a) 0.66 times the average monthly national wage for the first to the third quarter of the preceding calendar year for each seriously disabled person employed [Section 67 paragraph 2a)],

b) 0.33 times the average monthly national wage for the first to the third quarter of the preceding calendar year for each other disabled person employed [Section 67 paragraph 2b) and c)].

(3) 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.

(4) The contribution shall be paid every quarter in arrears on the basis of an application by the employer. Part of the application is evidence of the total average adjusted number of all employees, employees who are disabled persons and employees who are seriously disabled persons. The claim must be submitted at the latest by the end of the calendar month following the previous calendar quarter. The contribution is payable at the latest by 30 calendar days from the day of receipt of the application by the competent Labour Office.

(5) 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 payment was approved by instalments and there has been no delay in payment of these instalments.

(6) In the event of non-compliance with the conditions for the grant of a contribution set forth in paragraphs 1 and 5, or if the employer submits a claim for the contribution after the deadline set forth in paragraph 4, the Labour Office shall issue a decision not to grant the contribution.

(7) The employer shall be obliged to return any payments made, 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.

(8) In order to determine the number of employees who are disabled persons and seriously disabled persons, the average adjusted numbers of employees for a calendar quarter shall be decisive.

(9) The Ministry shall use an implementing legal regulation to stipulate the method of calculating the average adjusted number of employees and employees who are disabled persons, each calendar quarter.

### **Rights and Obligations of Employers and Cooperation with Labour Offices**

#### Section 79

Employers have the right to request the following from Labour Offices

- 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 indicate whether jobs notified to the Labour Office pursuant to Section 35 are jobs reserved for disabled persons,
- b) to inform the Labour Office of job vacancies that are suitable for disabled persons,
- c) to propagate, as their situation allows and in coordination with the preventative care works doctor, the option of employing disabled persons in individually adapted workplaces and working conditions and reserved jobs for disabled persons,
- d) to cooperate with the Labour Office in providing vocational rehabilitation,

e) 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 2a) to c)],

f) 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 from protected workshops operated by community groups, 47) Government registered churches or religious societies or a legal entity registered under the Act regulating the status of churches and religious societies 48) or a not-for-profit organization, 49) or awarding orders to these organizations 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) Employers who are organizational divisions of the Government or which are managed by the state, cannot comply with the mandatory proportion pursuant to paragraph 2c).

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

(5) The Ministry shall use an implementing legal regulation to stipulate the method of calculating the average annual adjusted number of employees and calculating compliance with the mandatory proportion.

## 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 in whose administrative district the employer who is a legal entity has his registered office, or where the employer who is a natural person has his residence.

(3) Should the employer not fulfil his obligation pursuant to Section 81 paragraph 1, the Labour Office shall issue a decision obliging him to remit this payment to the state budget pursuant to paragraph 1 in accordance with a special legal regulation. 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, to the competent Labour Office in accordance with Section 82, paragraph 2 by February 15th of the following year.

### Section 84

At the request of the relevant 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

#### PERMIT FOR THE RECRUITMENT OF EMPLOYEES FROM ABROAD

### Section 85

(1) Employers may acquire a permit from the competent Labour Office to recruit employees from abroad to fill a job vacancy (Section 35) that cannot be occupied by job seekers. For the purposes of employment pursuant to this Act, an employee from abroad (hereinafter referred to as a "foreign national") shall be deemed to be a natural person who is not a citizen of the Czech Republic, a citizen of the European Union nor their family member.

(2) The competent Labour Office shall decide whether to issue a permit to recruit employees from abroad on the basis of an application by the employer. The application shall contain details concerning the identity of the employer and details concerning the job and its nature (Section 37). The permit shall be issued for a fixed term.

(3) The application for a permit to recruit employees from abroad is subject to an administrative fee set forth in special legal regulations. 41)

### Section 86

(1) An employer who decides to employ a foreign national under the following conditions shall not apply for a permit,

- a) one who has a work permit regardless of the situation in the labour market (Section 97), or
- b) one who does not require a work permit (Section 98).

(2) No work permit shall be required provided the foreign national

- a) is acting as a partner, statutory body or a member of the statutory body of a corporate body or a member of a cooperative or a member of the statutory body of a cooperative and performs work for that corporate body or cooperative that is the object of the activities of that corporate body or cooperative (Section 89), or
- b) requests an extension of their work permit pursuant to Section 94.

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

#### **Section 87**

(1) Should a citizen of a European Union Member State (Section 3 paragraph 2) or a foreign national within the meaning of Section 98 a) to e) and j) to m) as not requiring a work permit, take up work, the employer, or the legal entity or natural person to whom these persons are posted to perform work by a foreign employer on a contractual basis, shall inform the competent Labour Office 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 to remove the obligation to have a work permit for these people to continue their 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 to whom these persons have been posted to perform work by their foreign employers on a contractual basis 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 for whom the persons set forth in paragraph 1 have been posted to perform work by a foreign employer on a contractual basis, shall inform the competent Labour Office of the termination of their employment or posting within 10 calendar days.

#### **Section 88**

(1) The employer shall inform the competent Labour Office in writing if the foreign national for whom a work permit was issued,

- a) failed to start work, or
- b) terminated their employment before end of the period for which the permit was issued.

(2) The employer shall comply with his/her notification obligations within the meaning of paragraph 1 at the latest within 10 calendar days of the day on which the foreign national was due to begin his/her term of employment or when he/she terminated their employment.

## CHAPTER II

### PERMIT TO EMPLOY FOREIGN NATIONALS

#### Section 89

A foreign national may only be recruited and employed with a valid work permit, unless otherwise stipulated by this Act, and a valid permit to reside on the territory of the Czech Republic; 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.

#### Section 90

The foreign national shall normally make a written application for a work permit to the Labour Office before his/her arrival on the territory of the Czech Republic in person or through the employer for whom the foreign national is to work or to whom he/she will be assigned to work by his/her foreign employer.

#### 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 Czech 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) a medical certificate confirming the state of health of the foreign national, not more than one month old,

d) 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. The Labour Office shall take account of the situation in the labour market before issuing the work permit.

(2) The Labour Office shall decide on the issue of the work permit. Permits are issued for a maximum of one year.

(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

(1) Foreign nationals, with the exception of those foreign nationals covered by Section 97, may be posted to a place of work other than the place of work entered in the work permit for a period of over 30 calendar days, provided the work permit was issued by the competent Labour Office for the foreign national's new place of work.

(2) Employers that post foreign nationals to a place of work other than the place of work entered in the work permit for a period of between 7 and 30 calendar days and post foreign workers covered by Section 97 for a period of over 30 calendar days shall send prior written notification to the competent Labour Office for the foreign national's new place of work.

## 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 one year. The work permit will be extended on condition the work is performed for the same employer. The foreign national shall submit an application 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 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, working for a foreign employer, who is posted to work on the territory of the Czech Republic by his/her employer on the basis of a contract with a Czech legal entity or natural person.

(2) Before concluding a contract to post foreign nationals to work on the territory of the Czech Republic, Czech legal entities or natural persons shall hold discussions with the relevant 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 to whom the foreign national will be sent to work on the territory of the Czech Republic. This person shall be 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

a) employed in the border regions of the Czech Republic and returns to a state neighbouring the Czech Republic where he/she has his/her permanent residence and of which he/she is a citizen at least once each calendar week; the border regions of the Czech Republic are deemed to comprise the territory of any district 1) adjacent to the state border, or

b) a 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) engaged in educational or scientific activities as educators or university academic staff members, scientists or members of research and development teams in research institutes in the Czech Republic,
- b) 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,
- c) 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,
- d) who are clerics belonging to a church registered in the Czech Republic or a religious society registered in the Czech Republic,
- e) who are employed in compliance with the terms of an international treaty, ratified by the Parliament and binding upon the Czech Republic,
- f) 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)
- g) who are asylum seekers or who have been issued a 90-day visa granting them leave of stay, 51) no sooner than 12 months following the day the application for asylum was filed, or
- h) who are persons who have been granted asylum in accordance with a special legal regulation 51) .

## Section 98

A work permit 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 has been granted refugee status, 51)
- 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 is working in order to prepare for his/her future employment in schools and educational facilities constituting part of the school network or the network of schools, preschools and educational facilities,

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 visa 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) , or

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.

#### 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 the residence permit expire for some other reason.

(2) The Labour Office may withdraw a work permit if the work performed is in conflict with the terms of the work permit issued, or if the permit was issued on the basis of incorrect information.

#### Section 101

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

### CHAPTER III

#### RECORDS OF NATIONALS OF EU MEMBER STATES AND FOREIGN NATIONALS

#### Section 102

(1) The Labour Office shall keep records of nationals of EU Member States who have taken up work and foreign nationals who have been issued with work permits, and records of foreign nationals who do not require a work permit in accordance with Section 98a) to e) and j) to m). 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 and all foreign nationals he/she employs, or which are posted to his/her employment by a foreign employer. The records shall contain the data listed in Section 92 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) Information on the persons referred to in paragraph 1 and contained in the Labour Office records 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

(1) Should an EU Member State adopt national measures or fully or partially suspend the application of Articles 1 to 6 of Council Regulation (EEC) no. 1612/68 of 15<sup>th</sup> October 1968 on free movement of workers within the Community, with regard to citizens of the Czech Republic and their relatives, under the conditions set forth in the Agreement on the Accession of the Czech Republic to the European Union, the Government may pass a resolution concerning this Member State and concerning the scope of the equivalent measures adopted by the Czech Republic.

(2) If, in connection with the free movement of persons and on the basis of a request by the Czech Republic, the European Commission announces that, under the conditions set forth in the agreement on the accession of the Czech Republic to the European Union, enabling the Czech Republic to fully or partially suspend the application of Articles 1 to 6 of Council Regulation (EEC) no. 1612/68 in order to renew the normal conditions of the labour market in a given area or type of employment, the Government may pass a resolution on which member state and to what extent the Czech Republic will suspend the application of Articles 1 to 6 of Council Regulation (EEC) no. 1612/68.

## **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 Offices, 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) transport contribution for employees,

- g) contribution towards recruitment costs,
- h) 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 Labour Offices 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) targeted programmes to help employment (Section 120).

(2) On the basis of an agreement, 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, Labour Offices 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 an accredited establishment or by a training or health care facility which has accredited training programmes. An accredited establishment or a training or health care facility with accredited training programmes means an educational facility under separate legal regulations or a facility or department set up for training purposes by an employer which is granted accreditation by the Ministry of Education, Youth and Sports in accordance with the terms and conditions laid down in an implementation regulation issued by the Ministry of Education, Youth and Sports in agreement with the Ministry, or a health care facility in accordance with the terms and conditions set by the Ministry of Health in accordance with a separate legal regulation 53) (hereinafter referred to as a "retraining facility").

(3) 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.

(4) 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.

#### 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) the terms for terminating the agreement.

(3) In the agreement, the Labour Office shall be obliged to distinguish conditions for granting the contribution into

a) conditions, the breach of which shall entail liability to pay a penalty for breach of budgetary discipline, pursuant to a special legal regulation, 44)

b) other conditions, the breach of which shall entail liability to pay a penalty for breach of budgetary discipline, pursuant to a special regulation. 45)

Should no distinction between conditions be made in the agreement, it shall be assumed that these are conditions set in accordance with letter a).

(4) Failure to comply with conditions for granting the contribution pursuant to paragraph 3 or the failure to return the contribution by the due date shall be deemed to be a breach of budgetary discipline. 46)

(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 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 possible 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 employee 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 Ministry.

(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, he fails 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) 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, he fails 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) 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.

## 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) A contribution to the amount of the wage base actually paid for an employee placed in this job, may be provided to establish one socially beneficial 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 6 months. Should the employer recruit a job seeker covered by Section 33 paragraph 1a), b), c) and f), for this reserved job, the contribution may be provided for a maximum of 12 months.

(6) 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) A 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.

(2) A bridging contribution is provided for a maximum of 3 months in a monthly amount equal to 0.12 times the national average wage for the first to third quarter of the calendar year preceding the calendar in which the agreement was concluded. A contribution may be applied for at the Labour Office 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.

#### Section 115

### **Transport Contribution for Employees**

(1) A Labour Office can provide employers with a transport contribution on the basis of an agreement concluded with it if the employer provides daily transport for its employees to and from the place of work where public transport can be proven not to function in an extent corresponding to the employer's needs. The contribution can also be paid if the employer provides transport for severely disabled employees who, given their state of health, are unable to use public transport means.

(2) For the purposes of providing a transport contribution, an employer-carrier who has a public service agreement, 56), but the frequency of the transport service is insufficient as regards transporting his employees to work, shall also be deemed to be an employer.

(3) The contribution is provided up to 50% of the costs spent on transport for employees. The contribution can be up to 100% of costs where special transport is arranged for severely disabled employees.

#### Section 116

### **Contribution towards Recruitment Costs**

(1) The Labour Office can provide an employer with a contribution on the basis of an agreement concluded with it, if the employer recruits a job seeker to whom 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 employee 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, 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.

c) a document confirming that an account has been established in a financial institution.

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

#### 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) 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 into

a) conditions, the breach of which shall entail liability to pay a penalty for breach of budgetary discipline, pursuant to a special legal regulation, 44)

b) other conditions, the breach of which shall entail liability to pay a penalty for breach of budgetary discipline, pursuant to a special regulation. 45)

Should no distinction between conditions be made in the agreement, it shall be assumed that these are conditions set in accordance with letter a).

(5) Failure to comply with conditions for granting the contribution pursuant to paragraph 4 or the 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

### 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 Community Structural Funds and other European Community 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, Labour Offices 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) A child may only pursue this activity on the basis of a permission issued for a certain child and a certain activity (hereinafter referred to as "permission").

(3) Child's activities are 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 246 of the Labour Code; the provisions of Section 103 to 106 of the Labour Code apply commensurately.

## Section 122

### **Permit to perform children's activities**

(1) The Labour Office shall decide to issue a 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 the "legal representative").

(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 and the restricted periods of its performance.

(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 competent Labour Office for the permanent residence of the child shall grant the permit and, if the child has no permanent residence, for the location where it has an address.

(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) The Labour 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) In the permit for the child to perform an activity, the Labour Office shall stipulate

- a) that the maximum extent of its performance for children up to the age of 6 years is 2 hours a day, and the total weekly extent may not exceed 10 hours,
- b) that the maximum extent of its performance for children from 6 to 10 years old is 3 hours a day, and the total weekly extent may not exceed 15 hours,
- c) that the maximum extent of its performance for children from 10 to 15 years old is 4 hours a day, and the total weekly extent may not exceed 20 hours,
- d) conditions for the performance of activities regulating the breakdown of activities and rest periods depending on the extent and type of activity, the method of ensuring health and safety and minimum requirements for ensuring suitable working conditions for the performance of the activity.

(2) 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.

(3) 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.

(4) 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.

(5) The permit may be extended if the Labour Office decides to extend it prior to the expiry of the period for which the child was authorized to perform the activity. The child's legal representative shall apply in writing for an extension to the permit at the latest within 30 calendar days prior to the expiry of the period for which the child was authorized to perform the activity. In deciding on whether to extend the permit, the Labour Office relies on the data contained in the application to grant a permit completed by the legal representative concerning new facts that are deciding for the issue of the permit; a new medical opinion must always be submitted. The permit can be extended for a maximum of another 6 consecutive months. The Labour Office shall be obliged to decide on the application for a permit within 30 calendar days of its receipt by the Labour Office.

(6) 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.

(7) The Labour Office shall forward the decision to grant permission for the child to perform the activity or the decision to disallow the performance of the activity by the child to the child's legal representative, the organiser of the activity and the Labour Office competent to perform inspection activities without unnecessary delay.

(8) 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.

(9) The Labour Office shall maintain the records of permits granted for child activities.

#### 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 at the time 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 Health and Safety at Work Inspectorate and the competent body for the socio-legal protection of the child are obliged to impart these facts to the competent 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) The Labour Office shall be obliged to communicate the written or oral declarations of the prevention of activities for the child to their legal representative, as well as sending it to the organiser of the activity.

## **PART SEVEN**

### **INSPECTION ACTIVITIES**

#### Section 125

The Labour Offices, the Ministry and, to the extent laid down in Section 126 paragraph 3 and the customs authorities (hereinafter referred to as the inspection bodies") monitor the employment market.

#### Section 126

(1) The Labour Offices 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) The Ministry inspects

- a) performance of agreements to provide material support for the creation of new jobs and material support for retraining or training (Section 111),
- b) performance of national targeted programmes (Section 120).

(3) The customs authorities also have the authority 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 if this is required in accordance with this Act [Section 5e) point 2]. The customs authority informs the competent Labour Office, in accordance with Section 7 paragraph 3, that it has performed the inspection, and, should it discover any deficiencies, shall hand over to this Labour Office the documentation needed to adopt remedial measures or to initiate proceedings to impose a fine.

(4) This does not affect the inspection rights of other bodies in accordance with special legal regulations.

#### Section 127

For the purposes of this Act, labour law regulations are deemed to be regulations concerning employment and regulations to protect employees in the event their employer becomes insolvent 62).

#### Section 128

For the purposes of inspection activities, a legal entity or natural person who conducts business in accordance with special legal regulations, 16) 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 custom authority employees, who perform tasks in accordance with this Act, establish their authority to perform these activities by showing a service card. The Ministry shall stipulate the design and the details thereof in an implementing legal regulation. Employees of the customs authority establish their identity with 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.

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

#### 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 employees of the inspection body shall be obliged to maintain confidentiality concerning any facts they may have learnt while performing the inspection and not to abuse their knowledge of these facts. The employees of the inspection body may be relieved of the obligation to maintain confidentiality by the person in whose interest they have this obligation, or in the public interest by the head of the inspection body. This provision shall not affect the obligation to notify certain facts to the appropriate bodies in accordance with special legal regulations. 66)

#### 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 (Národní bezpečnostní úřad) and the Security Information Service (Bezpečnostní informační služby), 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 or otherwise contravenes this Act by brokering employment,
- c) enables a natural person or a foreign national to perform illegal work, or
- d) refuses to prove his identity or facts that the inspection body is authorized to request, pursuant to Section 132.

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

- a) fails to inform the Labour Office of job vacancies for disabled persons, fails to maintain records of these persons and the jobs that are reserved for them by the employer, or fails to comply with other obligations in relation to the employment of disabled people set forth in Section 80,
- b) fails to fill the mandatory proportion of jobs with disabled persons or fails to notify the Labour Office of the manner in which the mandatory proportion of jobs have been filled,
- 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) A natural person commits a misdemeanour by performing illegal work in accordance with Section 5e) point 1.

(4) A foreign national commits a misdemeanour by performing illegal work in accordance with Section 5e) point 2.

(5) For a misdemeanour

a) according to paragraph 1a) and according to paragraph 2a) and b), a fine of up to 1,000,000 CZK may be imposed,

b) according to paragraph 1b) and c) a fine of up to 2,000,000 CZK may be imposed,

c) according to paragraph 1d) a fine of up to 5,000 CZK may be imposed,

d) according to paragraph 2c) and d) a fine of up to 500,000 CZK may be imposed,

e) according to paragraphs 3 and 4 a fine of up to 10,000 CZK may be imposed.

#### Section 140

(1) A legal entity 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 by brokering employment,

c) enabling a natural person or a foreign national to perform illegal work.

(2) A legal entity also commits an administrative offence when, as an employer, it

a) fails to inform the Labour Office of job vacancies for disabled persons, fails to maintain records of these persons and the jobs that are reserved for them by the employer, or fails to comply with other obligations in relation to the employment of disabled people set forth in Section 80,

b) fails to fill the mandatory proportion of jobs with disabled persons or fails to notify the Labour Office of the manner in which the mandatory proportion of jobs have been filled,

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) A health care facility commits an administrative offence if it

a) fails to perform an examination of a person's state of health in accordance with Section 9b paragraph 1a), or fails to perform it by within the time limit set forth in Section 9b paragraph 3,

b) fails to comply with the obligation to process medical documentation in accordance with Section 9b paragraph 1b), or fails to comply with this obligation within the time limit set forth in Section 9b paragraph 3, or

c) fails to comply with the obligation to provide information, allow access to the medical records or to loan medical records in accordance with Section 9b paragraph 2, or fails to comply with this obligation within the time limit set forth in Section 9b paragraph 3.

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

a) 1,000,000 CZK, for an administrative offence according to paragraph 1 a) and according to paragraph 2a) and b),

b) 2,000,000 CZK, for an administrative offence according to paragraph 1b) and c),

c) 500,000 CZK, for an administrative offence according to paragraph 2c) and d),

d) 50,000 CZK, for an administrative offence according to paragraph 3.

#### Section 141

(1) 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.

(2) 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.

(3) At the first stage, the competent Labour Office shall handle misdemeanours and offences (Section 7 paragraph 3).

(4) Fines shall be levied and recovered by the nearest competent customs authority.

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

(6) The levying and recovery of fines shall be performed in accordance with a special legal regulation. 50)

(7) 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.

## PART EIGHT

### COMMON, TRANSITORY AND FINAL PROVISIONS

#### CHAPTER I

#### COMMON PROVISIONS

##### Section 142

The Administrative Procedure Code 67) shall regulate decisions on the rights and obligations of natural persons and legal entities in accordance with Section 26 paragraph 3, Section 30 paragraphs 1 and 2, Section 39 paragraph 3, Section 40 paragraph 2, Section 44 paragraph 2, Section 54 paragraph 3, Section 55 paragraphs 1 and 3, Section 56 paragraph 3, Section 60 paragraph 1, Section 63 paragraph 2, Section 78 paragraph 6, Section 85 paragraph 2, Section 92 paragraph 2, Section 94 paragraph 3, Section 100 paragraph 2, Section 122 paragraph 1, Section 123 paragraph 5, Section 124 paragraph 5 and decisions on whether a person is disabled in accordance with Section 8 paragraph 1m), and on decisions on the imposition of fines in accordance with Section 139 and 140.

##### Section 143

Appeals 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 44), the reduction or 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 paragraphs 1 and 5) do not have a suspensory effect.

##### Section 144

Similar regulations governing the calculation of time set forth in a special legal regulation 68) 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

Permits to employ foreign nationals, or work permits for a number of different work places shall be issued by the Labour Office that decides on the issuance of the permits, 69) after an opinion has been received from 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 accordance with Section 112, 115, 116 and 117, which are provided

in arrears on the basis of substantiated costs, and contributions in accordance with Section 78 paragraph 1. Contributions provided in accordance with Section 75 paragraph 1, Section 76 paragraph 1, 109, 110, 113 and material support provided in accordance with Section 111 do not have to be drawn down on 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. 46)

#### Section 147

The provisions of Section 35, 80, 81 and 85 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 Section 35, 81 and 85 shall not apply to the Czech Bureau of Mines or the district mining offices, 70) as concerns the employment of mining inspectors. The provisions of Section 35 and 85 do not apply to jobs that are filled by voting or nomination. 71)

## 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 physical disabilities by decision of the district social security authorities, and who are not recognized as full invalids according to the assessment of the social security body, shall be deemed to be severely 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.

(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 by 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 6a 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 24a 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 of 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 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 Provision**

### 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 no.1

Names and Registered Offices of the Labour Offices

1. The Benešov Labour Office having its registered office in Benešov

2. The Beroun Labour Office having its registered office in Beroun
3. The Blansko Labour Office having its registered office in Blansko
4. The Brno-City Labour Office having its registered office in Brno
5. The Brno-District Labour Office having its registered office in Brno
6. The Bruntál Labour Office having its registered office in Bruntál
7. The Břeclav Labour Office having its registered office in Břeclav
8. The Česká Lípa Labour Office having its registered office in Česká Lípa
9. The České Budějovice Labour Office having its registered office in České Budějovice
10. The Český Krumlov Labour Office having its registered office in Český Krumlov
11. The Děčín Labour Office having its registered office in Děčín
12. The Domažlice Labour Office having its registered office in Domažlice
13. The Frýdek-Místek Labour Office having its registered office in Frýdek-Místek
14. The Havlíčkův Brod Labour Office having its registered office in Havlíčkův Brod
15. The Hodonín Labour Office having its registered office in Hodonín
16. The Hradec Králové Labour Office having its registered office in Hradec Králové
17. The Cheb Labour Office having its registered office in Cheb
18. The Chomutov Labour Office having its registered office in Chomutov
19. The Chrudim Labour Office having its registered office in Chrudim
20. The Jablonec nad Nisou Labour Office having its registered office in Jablonec nad Nisou
21. The Jeseník Labour Office having its registered office in Jeseník
22. The Jičín Labour Office having its registered office in Jičín
23. The JiCHAPTER Labour Office having its registered office in JiCHAPTER
24. The Jindřichův Hradec Labour Office having its registered office in Jindřichův Hradec
25. The Karlovy Vary Labour Office having its registered office in Karlovy vary
26. The Karviná Labour Office having its registered office in Karviná

27. The Kladno Labour Office having its registered office in Kladno
28. The Klatovy Labour Office having its registered office in Klatovy
29. The Kolín Labour Office having its registered office in Kolín
30. The Kroměříž Labour Office having its registered office in Kroměříž
31. The Kutná Hora Labour Office having its registered office in Kutná Hora
32. The Liberec Labour Office having its registered office in Liberec
33. The Litoměřice Labour Office having its registered office in Litoměřice
34. The Louny Labour Office having its registered office in Louny
35. The Mělník Labour Office having its registered office in Mělník
36. The Mladá Boleslav Labour Office having its registered office in Mladá Boleslav
37. The Most Labour Office having its registered office in Most
38. The Náchod Labour Office having its registered office in Náchod
39. The Nový Jičín Labour Office having its registered office in Nový Jičín
40. The Nymburk Labour Office having its registered office in Nymburk
41. The Olomouc Labour Office having its registered office in Olomouc
42. The Opava Labour Office having its registered office in Opava
43. The Ostrava Labour Office having its registered office in Ostrava
44. The Pardubice Labour Office having its registered office in Pardubice
45. The Pelhřimov Labour Office having its registered office in Pelhřimov
46. The Písek Labour Office having its registered office in Písek
47. The Pilsen Labour Office having its registered office in Pilsen
48. The Pilsen-south Labour Office having its registered office in Pilsen
49. The Pilsen-north Labour Office having its registered office in Pilsen
50. The Prague Labour Office having its registered office in Prague
51. The Prague-east Labour Office having its registered office in Prague

52. The Prague-west Labour Office having its registered office in Prague
53. The Prachatice Labour Office having its registered office in Prachatice
54. The Prostějov Labour Office having its registered office in Prostějov
55. The Přerov Labour Office having its registered office in Přerov
56. The Příbram Labour Office having its registered office in Příbram
57. The Rakovník Labour Office having its registered office in Rakovník
58. The Rokycany Labour Office having its registered office in Rokycany
59. The Rychnov nad Kněžnou Labour Office having its registered office in Rychnov nad Kněžnou
60. The Semily Labour Office having its registered office in Semily
61. The Sokolov Labour Office having its registered office in Sokolov
62. The Strakonice Labour Office having its registered office in Strakonice
63. The Svitavy Labour Office having its registered office in Svitavy
64. The Šumperk Labour Office having its registered office in Šumperk
65. The Tábor Labour Office having its registered office in Tábor
66. The Tachov Labour Office having its registered office in Tachov
67. The Teplice Labour Office having its registered office in Teplice
68. The Trutnov Labour Office having its registered office in Trutnov
69. The Třebíč Labour Office having its registered office in Třebíč
70. The Uherské Hradiště Labour Office having its registered office in Uherské Hradiště
71. The Ústí nad Labem Labour Office having its registered office in Ústí nad Labem
72. The Ústí nad Orlicí Labour Office having its registered office in Ústí nad Orlicí
73. The Vsetín Labour Office having its registered office in Vsetín
74. The Vyškov Labour Office having its registered office in Vyškov
75. The Zlín Labour Office having its registered office in Zlín

76. The Znojmo Labour Office having its registered office in Znojmo

77. The Žďár nad Sázavou Labour Office having its registered office in Žďár nad Sázavou

Annex no. 2

Labour Offices in accordance with Section 8 paragraph 2 and their territorial delimitations

1. The City of Prague Labour Office.

The administrative district comprises the territory of the City of Prague.

2. The Příbram Labour Office.

The administrative district comprises the territories of Benešov, Beroun, Kladno, Kolín, Kutná Hora, Mělník, Mladá Boleslav, Nymburk, Prague-east, Prague-west, Příbram and Rakovník.

3. The České Budějovice Labour Office.

The administrative district comprises the territories of České Budějovice, Český Krumlov, Jindřichův Hradec, Písek, Prachatice, Strakonice and Tábor.

4. The Pilsen Labour Office.

The administrative district comprises the territories of Domažlice, Klatovy, Pilsen-City, Pilsen-north, Pilsen-south, Rokycany and Tachov.

5. The Karlovy Vary Labour Office.

The administrative district comprises the territories of Cheb, Karlovy Vary and Sokolov.

6. The Ústí nad Labem Labour Office.

The administrative district comprises the territories of Děčín, Chomutov, Litoměřice, Louny, Most, Teplice and Ústí nad Labem.

7. The Liberec Labour Office.

The administrative district comprises the territories of Česká Lípa, Jablonec nad Nisou, Liberec and Semily.

8. The Hradec Králové Labour Office.

The administrative district comprises the territories of Hradec Králové, Jičín, Náchod, Rychnov nad Kněžnou and Trutnov.

9. The Pardubice Labour Office.

The administrative district comprises the territories of Chrudim, Pardubice, Svitavy and Ústí nad Orlicí. 10)

10. The Jihlava Labour Office.

The administrative district comprises the territories of Havlíčkův Brod, Jihlava, Pelhřimov, Třebíč and Žďár nad Sázavou.

11. The Brno-City Labour Office.

The administrative district comprises the territories of Blansko, Brno-City, Brno-District, Břeclav, Hodonín, Vyškov and Znojmo.

12. The Olomouc Labour Office.

The administrative district comprises the territories of Jeseník, Olomouc, Prostějov, Přerov and Šumperk.

13. The Ostrava Labour Office.

The administrative district comprises the territories of Bruntál, Frýdek-Místek, Karviná, Nový Jičín, Opava and Ostrava-City.

14. The Zlín Labour Office.

The administrative district comprises the territories of Kroměříž, Uherské Hradiště, Vsetín and Zlín.

Selected provisions from the 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 he submits the application for unemployment benefit complies with the condition set forth in Section 43 paragraph 1b) 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 1a) of Act no. 435/2004 Coll., on employment, for the reasons set forth in Section 25 paragraph 2f) 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 Provisions

1. Proceedings to determine unemployment benefit and retraining allowances, which were not legitimately 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 Section 13 of 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 the 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 to substitute for a period of employment in accordance with Section 41 paragraph 3 of Act no. 435/2004 Coll., on employment, as amended.

---

1) Council Directive 68/360/EEC of 15 October 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

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 Act no. 128/2000 Coll., on municipalities, (municipal establishments), as amended, Act no. 129/2000 Coll., on the regions (regional establishments), as amended.

7) Council Regulation (EEC) No 1612/68 of 15 October 1968 on the free movement of workers within the Community.

8) Section 2 paragraph 2 of the Commercial Code.

9) Act no. 564/1990 Coll., on state administration and self-government in the school system, as amended.

Act no. 111/1998 Coll., on higher education institutions and on the amendment and supplement to some other acts (the higher education act), as amended.

Act no. 29/1984 Coll., on the system of primary and secondary schools (the Schools Act), as amended.

Act no. 76/1978 Coll., on school facilities, as amended

10) Section 53 paragraph 5 of Act 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 Coll., 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.

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) The Labour Code.

16) For example the Trades 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.
  - 22) Section 83a of the Labour Code.
  - 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 Coll. 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., on bankruptcy and settlement, as amended, Act no. 248/1992 Coll., on investment companies and investment funds, as amended.
  - 29) Section 70 and 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.
  - 31) Act no. 218/1999 Coll., on the scope of conscription and on military administrative authorities (the Armed Services Act), as amended.
  - 32) Act no. 18/1992 Coll., on civil service, as amended.
  - 32a) Section 45a paragraph 1e) of Act no. 455/1991 Coll., on small businesses (the trades licensing act), as amended by Act no. 214/2006 Coll.
  - 32b) Section 45a paragraph 6 of Act no. 455/1991 Coll., as amended by Act no. 214/2006 Coll.
  - 33) For example Section 131 and following of Act no. 221/1999 Coll., on professional soldiers, as amended.
  - 34) Section 116 to 119 of Act no. 186/1992 Coll., on the service status of members of the police forces of the Czech Republic, as amended.  
Section 119 to 123 of Act no. 154/1994 Coll., on the Security Information Service, as amended by Act no. 160/1995 Coll.
- Section 12 paragraph 3 of Act no. 13/1993 Coll., the Customs Act, as amended by Act no. 113/1997 Coll.

Section 10 of Act no. 238/2000 Coll., on the fire brigade of the Czech Republic and on amendments to certain Acts.

35) Act no. 155/1995 Coll., as amended.

36) Section 46 paragraph 1a), b) and 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 2e) and paragraph 3a) of Act no. 463/1991 Coll., on the subsistence level.

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. 368/1992 Coll., on administrative charges, as amended.

42) Section 38a paragraph 2 of the Labour Code.

43) For example Act no. 29/1984 Coll., as amended.

44) Section 44 paragraph 2 Act no. 218/2000 Coll., on Budgetary Rules and on amendments of some related Acts (budgetary rules), as amended.

45) Section 44 paragraph 3 of Act no. 218/2000 Coll.

46) Act no. 218/2000 Coll., as amended.

47) Act no. 83/1990 Coll., on citizens associations, as amended.

48) Act no. 3/2002 Coll., on the freedom of religious confession and the position of churches and religious institutions and on changes to certain other Acts (the Act on churches and religious institutions), as amended by the findings of the Constitutional Court, published under no. 4/2003 Coll.

49) Act no. 248/1995 Coll., on benevolent societies and on amendments and supplements to certain Acts, as amended.

50) Act no. 337/1992 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.

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 97/1994 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) 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, as amended by Act no. 436/2004 Coll.

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., as amended.  
Act no. 185/2004 Coll., on the Customs Administration of the Czech Republic.

66) For example Section 8 of the Criminal Code.

67) Act no. 71/1967 Coll., on administrative procedure (Administrative Procedure Code), as amended.

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 27 of the Labour Code.