The ASPI system – as amended on 25 August 2015 up to Chapter 86/2015 Coll. and 29/2015 Coll.m.s. 435/2004 Coll. - on employment – as last amended, the text becomes effective on 1 January 2016

435/2004 Coll.

ACT

of 13 May 2004

on employment

Amendment: 168/2005 Coll.
Amendment: 253/2005 Coll.
Amendment: 495/2005 Coll.
Amendment: 264/2006 Coll. (part)
Amendment: 165/2006 Coll.
Amendment: 159/2007 Coll.
Amendment: 57/2008 Coll.
Amendment: 124/2008 Coll.
Amendment: 479/2008 Coll. (part)
Amendment: 479/2008 Coll.
Amendment: 158/2009 Coll.
Amendment: 326/2009 Coll.
Amendment: 306/2008 Coll.
Amendment: 73/2011 Coll.
Amendment: 427/2010 Coll. (part)
Amendment: 1/2012 Coll.
Amendment: 437/2012 Coll.
Amendment: 505/2012 Coll.
Amendment: 401/2012 Coll.
Amendment: 306/2013 Coll.
Amendment: 303/2013 Coll.
Amendment: 64/2014 Coll.
Amendment: 101/2014 Coll.
Amendment: 219/2014 Coll.
Amendment: 84/2015 Coll.
Amendment: 203/2015 Coll. (part)
Amendment: 203/2015 Coll.
Amendment: 317/2015 Coll.
Amendment: 314/2015 Coll.
Amendment: 131/2015 Coll.

the Parliament has adopted the following Act of the Czech Republic:
PART ONE

INTRODUCTORY PROVISIONS

TITLE I

SCOPE OF REGULATION

Section 1 [Comment by WK]

In compliance with European Union law, this act governs the provision of State employment policy, which aims at achieving full employment and protection against unemployment.

TITLE II

GENERAL PROVISIONS

Section 2 [Comment by WK]

State employment policy

(1) State employment policy in the Czech Republic includes in particular:

(a) providing for the right to employment,

(b) monitoring and evaluating the situation on the labour market, preparation of forecasts and employment and human resources development strategies in the field of labour market, programmes and projects and job opportunities for natural persons,

(c) the coordination of measures relating to employment and human resources development in the field of labour market in line with the European Employment Strategy and the conditions for the disbursement of support from the European Social Fund

(d) the creation and coordination of the various programmes and measures to ensure priorities in the field of employment and human resources development in the field of the labour market,

(e) the implementation of active employment policy,

(f) the creation and participation in international programmes related to the development of employment and human resources in the field of the labour market,

(g) the management of funds assigned for employment policy,

(h) the provision of information, counselling and intermediary services on the labour market,

(i) provision of unemployment benefits and retraining,

(j) measures supporting and achieving equal treatment with men and women, persons irrespective of their racial or ethnic origin, disabled persons and other groups of persons disadvantaged on the labour market as in terms access to work, retraining, training for work and specialised retraining courses, and measures for the recruitment of such persons,

(k) measures for the recruitment of natural persons with disabilities and other groups of natural persons who are disadvantaged on the labour market,

(l) directing the recruitment of workers from abroad to the Czech Republic and from the Czech Republic abroad.

(2) The State employment policy is created by the State and involves other bodies and entities on the labour market, especially employers and trade unions; the State implements the State employment policy in collaboration with other bodies and entities on the labour market, primarily with territorial self-governing units, professional organizations, associations of persons with disabilities and employers' organizations.

(3) State administration in the field of State employment policy in the Czech Republic is performed by:
(a) the Ministry of Labour and Social Affairs (the "Ministry");

(b) the Labour Office of the Czech Republic (the "Labour Office")

Section 3 [Comment by WK]

Parties to legal relationships

(1) This Act provides for the following parties to legal relationships:

(a) the Czech Republic which acts through the Ministry and the Labour Office,

(b) natural persons with the capacity to be employed; natural persons are Czech nationals and, under the same conditions, foreigners who meet the conditions for recruitment provided by this Act,

(c) employers; employers shall be also considered to include branches of foreign legal persons or foreign natural persons authorized to do business in the Czech Republic pursuant to special legal regulations,

(d) legal and natural persons and other entities pursuant to special legal regulations conducting activities pursuant to this Act.

(2) Nationals of other Member States of the European Union (the "EU citizens") and their family members have the same status in the legal relationships regulated by this Act as citizens of the Czech Republic, unless otherwise provided for in this Act.

(3) The legal status of family members of Czech citizens who are not nationals of the Czech Republic or another EU Member State in legal relationships regulated by this Act is the same as that of a citizen of the Czech Republic, unless otherwise provided for in this Act.

Section 4 [Comment by WK]

Equal treatment and non-discrimination in the application of the right to employment

(1) Parties to legal relationships pursuant to Section 3(1)(a), (c) and (d) are obliged to ensure equal treatment of all natural persons asserting their right to employment.

(2) When a person asserts his right to employment, the person must not be discriminated,

Section 5 [Comment by WK]

Definition of certain terms

For the purposes of this Act:

(a) identification data means:
1. for natural persons the name (or names, where applicable), surname, (or surname at birth, where applicable), nationality, personal identification number (in Czech: rodné číslo) or, in its absence, date and place of birth, and address of the residence of the person,
2. for legal persons the company name, registered office, identification number,
3. for self-employed natural persons the business name or personal name (or names, where appropriate), surname, personal identity number, place of business, identification number, if assigned,
4. for foreign persons the data referred to under Paragraph 2 or 3 and the location of the branch in the Czech Republic,

(b) residence means:
1. for a citizen of the Czech Republic the citizen’s address of permanent residence in the Czech Republic,
2. for a foreigner who is an EU citizen or an EU citizen’s family member or a family member of a citizen of the Czech Republic, the address of permanent or temporary residence in the Czech Republic, and in the absence of such a residence the address of the place of the foreigner’s common whereabouts in the Czech Republic,
3. for a foreigner who is not an EU citizen or an EU citizen’s family member or a family member of a citizen of the Czech Republic, the address of permanent residence in the Czech Republic,
4. for a foreigner who is not an EU citizen or an EU citizen’s family member or a family member of a citizen of the Czech Republic, and who holds a permanent residence permit in order to work at a position requiring high qualifications (the "blue card") issued pursuant to another legal regulation, the address of the residence specified in foreigners’ agenda
information system (Section 147c),

c) serious reasons mean reasons consisting in:
1. necessary personal care for a child aged up to 4 years,
2. necessary personal care for a natural person who, pursuant to a special legal regulation, is considered a person dependent on the assistance of another natural person at 2nd degree (medium dependence), at 3rd degree (severe dependence) or 4th degree (full dependence) 3a, where such a person permanently lives together with the job seeker and share the costs of providing for their needs; these conditions are not required in the case of a person considered a close person for the purposes of pension insurance,
3. attendance of a child to a pre-school facility and compulsory schooling of a child,
4. the place of performance or nature of employment of the other spouse or registered partner,
5. immediate termination of employment by the employee pursuant to Section 56 of the Labour Code, 
6. health reasons which, according to a medical opinion, prevent the performance of a job or the fulfilment of a duty to cooperate with the Labour Office – the regional branch of the Labour Office and the branch of the Labour Office for the City of Prague (the “Regional Branch of the Labour Office”) in job intermediation, or
7. other serious personal reasons, such as ethical, moral or religious or reasons deserving special attention,

d) systematic training for future vocation means the period of full-time study in secondary school, conservatory, university or language school with accreditation for state language examinations 9 including holidays that are part of the school or academic year.

e) illegal work means,
1. employment 81 of a natural person without a contractual employment relationship 82 , or
2. if a natural person – foreign national performs work in breach of the issued work permit or without a permit, if required pursuant to this Act, or in breach of the employment card issued pursuant to the act on the residence of foreign nationals in the territory of the Czech Republic or in breach of the blue card; this does not apply in the case of assignment of different work pursuant to Section, 
3. if a natural person – foreign national performs work for a legal or natural person without a valid permit to reside in the Czech Republic, if required under special legal regulation3),

(f) vocation means a standardized set of work activities according to their usual grouping in the labour market whose performance requires a certain professional and other competence.

TITLE III
SCOPE OF COMPETENCE OF THE MINISTRY

Section 6 [Comment by WK]

(1) The Ministry regulates and supervises the performance of state administration and the compliance with law in the provision of State employment policy. In the performance of the above:

(a) it prepares national strategy and programmes of the State employment policy and the resolution of critical issues of the labour market, it provides opinions on the proposals affecting the State employment policy prepared by other central State administration bodies.

(i) provides for the preparation of analyses and prognoses of the development on the labour market, including the international comparison, assumes measures to create harmony between the resources and needs of workforce in the Czech Republic and assumes measures for directing workforce from abroad to the territory of the Czech Republic and workforce to foreign countries,

(c) provides for the management and the provision of funds to provide for the State employment policy, provides for national funding for measures in the area of employment and human resources development in the field of the labour market which are included in the European Social Fund, and provides for design solutions and software and hardware of the information system in the area of employment,

(d) ensures the development of international relations and international cooperation in employment and human resources in the labour market section, including cooperation with the European Union,

(e) cooperates with relevant public administration bodies of the European Union member states in connection with sending employees to work on the territory of another member state,

(f) provides for the creation and, in accordance with the labour market developments, updating the National Professions
Framework, and publishes it electronically in a manner allowing remote access. In its creation and updating, the Ministry cooperates with administrative bodies and territorial self-governing units and takes into account the suggestions of persons involved in the labour market. The NPF contains:

1. the name and numerical identifier of the profession expressed as a code,
2. brief description of the profession,
3. work activities within the profession,
4. requirements for the performance of the profession, especially in terms of qualification, professional and health aspects,
5. further details related to the profession,

(g) provides the bodies deciding on the provision of public advantage, aid, grant, contributions or those awarding public contracts with data from the registers of natural and legal persons that have been given an enforceable fine for allowing illegal work in accordance with Section 5(e)(3) in a manner enabling remote access,

(h) provides on request control authorities and coordinating authority designated for operational programs financed by EU structural and investment funds, data obtained in State employment policies, including data on individual natural persons, and whether they are individuals with disabilities under § 67 para. 2, if such information is necessary to carry out the tasks incumbent upon them under European Union law in a manner enabling remote access; the request must indicate the legal provisions of the European Union, on which the application is based, the scope of data requested and the purpose for which the data are required,

(i) for the purposes of employment, the Ministry maintains a centralized system of records of persons interested in work, job seekers and the disabled, foreign nationals, job vacancies, vacancies that can be filled by employment card holders, employment agencies and records of permits for children to perform artistic, cultural, sport and advertising activities and records of legal and natural persons that have been given an enforceable fine for allowing illegal work in accordance with Section 5(e)(3),

(j) assess the risks associated with the performance of illegal work pursuant to Section 5(e)(3) and determines risk sectors of economic activities in which the illegal work concentrates,

(k) each year by 1 July, the Ministry presents the European Commission with a report on the number of checks carried out in the preceding calendar year in the various risk sectors, on the result of such checks and their percentage of the total number of legal and natural persons with business activities in each risk sector.

The records maintained pursuant to Section 6(1)(h) are based on the data from the Labour Office and may also be used by Ministry and the Labour Office to fulfil their duties under this Act, and may also be used for purposes provided by special legal regulations; for other purposes, the data are used anonymously.

(3) The records of legal and natural persons that have been given an enforceable fine for allowing illegal work in accordance with Section 5(e)(3) contain:

(a) business name or the name of the legal person or the name or, where applicable, names, and surname of the natural person,

(b) identification number of the legal or natural person,

(c) the amount of the fine,

(d) the date on which the decision to impose the fine became final and enforceable.

The information in these records are kept for a period during which the natural or legal persons may not receive public advantage, aid, grants, contributions or public contracts.

Section 6a

(1) To perform the tasks in the area of employment, the Ministry may establish a State publicly co-funded organization. The Ministry shall issue the formation deed of this publicly co-funded organization. The State publicly co-funded organization is created on the date specified in the formation deed. The formation deed must also contain the following information:

(a) the name, address and identification number of the State publicly co-funded organization,

(b) the definition of the purpose for which the publicly co-funded organization is formed,

(c) principal activity or other activities,
(d) the designation of the governing body and the definition of the basic organizational structure of the State publicly co-funded organization,

(e) the definition of property of the Czech Republic, which the Ministry entrusts to the State publicly co-funded organization upon its formation.

(2) The governing body of the State publicly co-funded organizations formed in accordance with Subsection 1 is appointed and removed by the Minister of Labour and Social Affairs.

(3) The Ministry may decide on the division of the State publicly co-funded organization formed pursuant to Subsection 1, on its merger by acquisition (in Czech: sloučení) or merger by the formation of a new person (in Czech: splynutí) with another State publicly co-funded organization formed pursuant to Subsection 1 or on other changes to such a State publicly co-funded organization. At the same time, it shall issue the formation deed for the new State publicly co-funded organization being formed or an amendment to the formation deed. The State publicly co-funded organization terminates on the date specified in the decision on its division or merger by the formation of a new person, or on the date specified in the decision on its merger by acquisition in the case of another State publicly co-funded organization being the legal successor.

(4) The Ministry may decide to dissolve a State publicly co-funded organization founded pursuant to Subsection 1. At the same time the Ministry shall decide on the manner of the settlement of rights and duties performed by a State publicly co-funded organization, including the competence to manage the assets of the Czech Republic, and shall terminate the formation deed. If it does not decide, the competence to manage the assets of the Czech Republic, including the rights managed by this organization so far, passes to the Ministry on the date on which the State publicly co-funded organization being dissolved terminates. At the same time, the obligations as well as the rights and duties arising from labour-law relations borne by this organization pass to the Czech Republic, and the Ministry becomes responsible for the fulfilment of these obligations, as well as the rights and duties arising from the labour-law relations.

(5) The Ministry announces the formation, division, merger by acquisition, merger by the formation of a new person or dissolution of a State publicly co-funded organization decided by the Ministry pursuant to Subsections 1 to 3 in the Official Journal of the Czech Republic within 30 days from the date on which the event occurred. The announcement contains the designation of the founder of the State publicly co-funded organization, the organisation’s name, address, identification number and the date, month and year of creation, division, merger by acquisition, merger by the formation of a new person or dissolution.

TITLE IV
LABOUR OFFICE AND THE SCOPE OF ITS COMPETENCE

Section 7 [Comment by WK]

(1) The organisational structure of the Labour Office is provided for by a special Act.

To arrange cooperation on the labour market, the Labour Office establishes advisory boards on an as-needed basis, primarily composed of representatives of trade union organisations, employer organisations, cooperative bodies, organisations of the disabled, and territorial self-governing units. The purpose of the advisory boards is to coordinate the implementation of the state employment policy and the development of human resources in the relevant administrative district. The advisory boards express opinions, in particular, on contributions provided to employers as part of the active employment policy, on retraining programmes, on the organisation of consultancy activity, on measures to encourage the equal treatment of all natural persons who claim right to employment, and on collective redundancies.

(3) In order to assess suitable forms of occupational rehabilitation of persons with disabilities, the Labour Office establishes expert working groups composed mainly of the representatives of disabled persons’ organizations and representatives of employers employing more than 50% of persons with disabilities.

Section 7a [Comment by WK]

(1) The Labour Office may determine the acts pursuant to this Act which may be performed in respect of it through a designated public administration contact point. (1) The Labour Office may perform acts pursuant to this Act through a designated public administration contact point. The Labour Office shall publish a list of acts under the first sentence in a manner allowing remote access.

(2) A designated public administration contact point means a public administration contact point, with which
the Labour Office has concluded an agreement allowing the Labour office to perform acts under Subsection 1 through the public administration contact point. The Labour Office shall publish the list of designated public administration contact points in a manner allowing remote access.

(3) The competence of the designated public administration contact point or the competence of a branch of the designated public administration contact point through which an act under Subsection 1 will be performed shall be determined by the Labour Office. If it does not do so, the act under Subsection 1 may not be performed through the designated public administration contact point.

(4) The designated public administration contact point and its branch, whose competence was determined pursuant to Subsection 3, must be located within the administrative district of a municipality with extended powers, in which the person performing the act under the first sentence of Subsection 1 or the recipient of the act in respect of whom the act under the second sentence of Subsection 1 is performed, has his residence or its registered office or in which the person stays in reality. The first sentence does not apply if the Labour Office determines the competence of the designated public administration contact point based on an agreement with the person performing the act under the first sentence of Subsection 1 or the recipient of the act under the second sentence of Subsection 1.

(5) The remuneration associated with the performance of the acts under Subsection 1 shall be paid to the designated public administration contact point by the Labour Office. The amount of the remuneration and the manner of its payment shall be agreed as provided under Subsection 2.

Section 8 [Comment by WK]

Labour Office – Directorate General of the Labour Office (the "DG Labour Office")

(a) provides the Ministry with documents for the preparation of strategies and programmes of State employment policy and to address the key issues in the labour market, and opinions on measures affecting the State employment policy, continuously monitors and evaluates the overall situation on the labour market and takes action to influence labour demand and supply,

(b) cooperates with administrative bodies, territorial self-governing units, social security bodies, bodies providing assistance in material need, state health administration bodies, employers and other entities pursuant to special legal regulations in the creation and implementation of measures related to the development of the labour market and employment,

(c) adopts measures to support and achieve equal treatment between men and women, equal treatment of persons irrespective of their nationality, racial or ethnic origin, persons with disabilities and other groups of persons who are disadvantaged on the labour market in terms of access to employment, retraining, training for work and specialised retraining courses, and adopts measures for the employment of such persons,

(d) cooperates with the Ministry on the development of international relations and international cooperation concerning employment and human resources in the field of labour market, including cooperation with the European Union,

(e) cooperates with foreign institutions in fulfilling employment obligations arising from the European Union law or international treaties, and coordinates activities within the system of European Employment Services,

(f) ensures the provision of a financial support in the creation of new job positions and financial support for retraining or training of new employees as part of investment incentives, and ensures other related programmes approved by the Government,

(g) grants and removes the permission for legal or natural persons to facilitate jobs, and keeps records of employment agencies and hands over the details of such records to the central register maintained by the Ministry,

(h) performs inspection activities within the scope laid down by this Act and the act on free movement of services, including the imposition of fines,

(i) ensures publication, in electronic form in a manner enabling remote access, of written documents related to the provision of State budget funds for the instruments and measures of active employment policy, except for documents containing personal details of natural persons who are not direct beneficiaries of such funds,

(j) establishes training and retraining centres and vocational rehabilitation centres for persons with disabilities.

(k) fulfils other obligations arising from this Act and special legal regulations,
(l) provides the Ministry of the Interior with:
1. an overview of changes to the data in the granted permits for employment intermediation,
2. an overview of fines imposed on legal or natural persons who have been granted a permit for employment intermediation for breach of duties arising from labour legal regulations pursuant to Section 126(2) or another legal regulation.

Section 8a [Comment by WK]

(1) Regional Branch of the Labour Office:

prepares the strategy for the development of employment in its district, statistics, analyses and outlooks, continuously monitors and evaluates the situation on the labour market and adopts measures to influence labour demand and supply; for this purpose, it may require employers to provide information on their plans in the development of employment,

(b) cooperates with administrative bodies, territorial self-governing units, social security bodies, bodies providing assistance in material need, state health administration bodies, employers and other entities pursuant to special legal regulations in the creation and implementation of measures related to the development of the labour market and employment,

(c) cooperates in the development of international programmes or programmes with international participation regarding the development of human resources and financing from the European structural funds,

(d) in its district, it adopts measures to support and achieve equal treatment between men and women and equal treatment of persons irrespective of their nationality, racial or ethnic origin, persons with disabilities and other groups of persons disadvantaged on the labour market and employment,

(e) ensures and supports projects and measures related to human resources development in the area of the labour market, including the participation in international programmes and projects, programmes and projects with international participation and programmes financed from the European Structural Funds and within employment programmes and the European Union programmes, verifies new active employment policy instruments,

(f) ensures the arrangement of employment for job seekers and persons interested in a job and provides other services concerning employment under this Act,

(g) provides consultancy, information and other services concerning employment and labour-law relations to natural persons and employers,

(h) ensures the application of the active employment policy instruments under this Act, provides contributions from the active employment policy funds and pays unemployment benefits and retraining benefits,

(i) provides employers employing more than 50% of persons with disabilities with a contribution for the support of the employment of persons with disabilities,

(j) provides children with the permission to perform artistic, cultural, sport or advertising activities,

(k) for the purposes of employment, ensures the keeping of records of vacancies, records of persons interested in a job, records of job seekers, records of persons with disabilities, records of foreign nationals and also records of permissions for children to perform artistic, cultural, sports or advertising activities and records of natural and legal persons that have been fined for enabling the performance of illegal work pursuant to Section 5(e)(3); data from these registers is transferred to the central register kept by the Ministry,

(l) at the request of the authority providing assistance in material need, provides details:
1. on the registration a natural person in the records of job seekers, including the reasons for exclusion from the register of job seekers,
2. on whether job seekers are provided with unemployment benefits or retraining benefits and on the amount of such benefits,
3. on whether it is a person who needs an increased care when arranging employment,
4. on whether the person has commenced a short-term employment or refused to perform short-term employment arranged by the Regional Branch of the Labour Office or participate in a targeted programme to address unemployment (Section 120),
5. on whether proceedings have started to exclude the job seeker from the register of job seekers,
6. on whether a job seeker performs an activity provided under Section 25(3), and the information on the termination of such an activity,
7. on whether a job seeker’s employment was terminated due to the violation of obligations arising from legal regulations regarding the performed work in a specially serious manner, or another employment terminated for a similar reason was terminated in the last 6 months before the inclusion into the register of job seekers,

(m) (n) provides a European Union citizen, his family member (Section 3(2)) and a family member of a citizen of the Czech Republic Section 3(3) for the purposes of granting a permit for permanent or temporary residence, with a confirmation that the person was recorded in the register of job seekers, and provides seasonal employees with a conformation of the existence of the employment contract, agreement to perform work or the agreement to complete a job,

(n) performs inspection activities within the scope laid down by this Act and the act on free movement of services9b, including the imposition of fines,

(o) provides the State Labour Inspection Office with the identification data of employees sent to perform work on the territory of the Czech Republic and the identification data of legal and natural persons they were sent to which are necessary to inspect the compliance with the working conditions of such employees laid down in other legal regulations regulating working conditions,

(p) provides for the activities of the European Employment Services,

(q) provides for the cooperation concerning employment, workforce mobility, and human resources development with territorial self-governing units, the relevant trade unions, and employers' organisations.

(r) fulfils other duties arising from this Act and special legal regulations13),

(2) The territorial scope of competence of the Regional Branch of the Labour Office is determined by the place in which the job is or should be performed, unless otherwise provided for in this Act or other legal regulations.

TITLE V

ASSESSING THE STATE OF HEALTH OF NATURAL PERSONS AND COOPERATION OF HEALTH CARE PROVIDERS IN ASSESSING THE STATE OF HEALTH OF NATURAL PERSONS

Section 9 [Comment by WK]

(1) At the request of the Regional Branch of the Labour Office, health care providers shall, within 15 days after the receipt of the request, carry out a medical examination of a natural person, for consideration (Section 21)

(2) The amount of the consideration under Subsection 1 is determined by the list of medical procedures with score values14 and other legal regulations14a. The payment shall be made by the Labour Office on the basis of the invoice presented by the health care provider.

Section 9a

repealed

Section 9b

repealed

TITLE VI

RIGHT TO A JOB

Section 10 [Comment by WK]

The right to a job means the right of a natural person who is willing and able to work and is applying for a job to an employment relationship15 (the “job” or “employment”), job intermediation, and the provision of other services under conditions stipulated by this Act.

Section 11 [Comment by WK]
A natural person has the right to freely and independently choose and get a job and perform it throughout the Czech Republic, or may get a job abroad.

Section 12 [Comment by WK]

(1) Parties to a legal relationship created under this Act may not offer jobs that:

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

(2) When selecting employees, the employer may not request information relating to nationality, race or ethnic origin, political attitudes, trade union membership, religion, philosophical beliefs, sexual orientation, unless doing so is in accordance with special legislation, as well as information contrary to good morals and personal data that are not used to fulfil the duties of an employer under a special legal regulation. At the request of a job seeker, the employer must prove the necessity of the required personal data. The criteria for the selection of employees must guarantee equal opportunities for all natural persons applying for the job. Section 4 also applies here.

Section 13 [Comment by WK]

repealed

PART TWO

EMPLOYMENT INTERMEDIATION

TITLE I

GENERAL PROVISIONS

Section 14 [Comment by WK]

(1) Employment intermediation means:

(a) finding a job for a natural person who is applying for a job and finding employees for an employer who is looking for new workers,
(b) the employment of natural persons for the purpose of carrying out work for a user, which means another legal or natural person who assigns the work and supervises it (the "User"),
(c) advisory and information services in the field of employment opportunities.

(2) Employment intermediation pursuant to Section 1(b) is also considered to include a foreign employee being sent by his foreign employer to perform work in the Czech Republic under a contract with a Czech legal or natural person and the contract concerns hiring workforce.

(3) Employment intermediation is performed, under the conditions set out in this Act, by:

(a) Regional Branches of the Labour Office,
(b) natural or legal persons who are authorized to perform the relevant form of employment intermediation ("Employment Agencies").

This does not affect the right of natural or legal persons based in another Member State of the European Union for the purpose of employment intermediation in accordance with its legal regulations to provide employment intermediation services in the Czech Republic temporarily and occasionally; however, such persons shall, however no later on the date on which they commence this activity in the Czech Republic, provide the Labour Office in writing with the data under Section 61(1) or (3) and the period for which this activity will be performed.

(5) The Regional Branches of the Labour Office can only perform intermediation activities under Subsection 1(a)
and (c). Employment agencies may also perform intermediation activities under Subsection 1(b).

(6) The Regional Branches of the Labour Office and Employment Agencies cooperate in performing intermediation activities under Subsection 1(a) and (c) in addressing labour market situation. Employment agencies may also perform intermediation activities under Subsection 1(a) and (c) based on an agreement with the Labour Office (Section 119a).

Section 15 [Comment by WK]

Consultancy for natural persons is focused on the assessment of personal qualities, abilities and skills and on the recommendation of a job, vocational training, choosing a vocation and retraining. Consultancy for employers is focused on the selection of employees according to qualification and personal qualities. Information activities primarily consist in informing about the possibilities of employment and job vacancies and available workforce.

Section 16 [Comment by WK]

Employment intermediation does not mean publishing job advertisements in the media or through electronic media in cases where no direct intermediation takes place between employers and natural persons looking for a job.

Section 17 [Comment by WK]

Employment intermediation does not mean publishing job advertisements in the media or through electronic media in cases where no direct intermediation takes place between employers and natural persons looking for a job.

(2) Personal data on natural persons to whom the Regional Branch of the Labour Office or an employment agency is intermediating employment or provides other services under this Act may be processed only with the consent of the person to whom the information relates.

(3) The processing of personal data on natural persons to whom the Regional Branch of the Labour Office intermediates employment within the European Union Member States and transmission of such data as well as data on the periods of employment of natural persons in the Czech Republic to the European Union Member States and the European Coordination Committee does not require the approval of the Office for Personal Data Protection under a special legal regulation.19)

(4) The processing of personal data on natural persons to whom the Regional Branch of the Labour Office intermediates employment outside the territory of the Member States of the European Union, the processing of personal data on natural persons to whom employment agencies intermediate employment abroad, the transmission abroad of such data as well as data on the periods of employment of natural persons in the Czech Republic requires approval of the Office for Personal Data Protection under a special legal regulation.19)

TITLE II

EMPLOYMENT INTERMEDIATION BY REGIONAL BRANCHES OF THE LABOUR OFFICE

Section 18 [Comment by WK]

(1) The Regional Branches of the Labour Office intermediate employment throughout the Czech Republic; in cases specified by a promulgated international treaty ratified by the Parliament and binding on the Czech Republic, they may intermediate employment from the Czech Republic abroad and from abroad to the Czech Republic. Employment abroad may only be intermediated with the consent of a person interested in a job or a job seeker.

(2) The Regional Branches of the Labour Office intermediate employment pursuant to EU law governing the free movement of persons within the European Union.20)

(3) Employment intermediation by Regional Branches of the Labour Office is free.

Section 19 [Comment by WK]

(1) A natural person may find a job through a Regional Branch of the Labour Office as a person interested in a job or a job seeker. A natural person may request information on job opportunities and job vacancies at any Regional Branch of the Labour Office.
Section 20 [Comment by WK]

(1) A natural person has the right to the intermediation of a suitable job. A suitable job, unless otherwise provided for in this Act, means a job:

(a) which creates the obligation to pay premiums for pension insurance and contribution to the state employment policy,21)
(b) whose working hours is at least 80% of the fixed weekly working hours,22)
(c) which is agreed for an indefinite period or for a fixed term of more than 3 months, and
(d) which corresponds to the natural person’s health condition and, if possible, qualifications, skills, length of previous employment, housing options and transport accessibility of the job.

(2) For a job seeker registered in the register of job seekers for more than 1 year, a suitable job also means a job that:

(a) meets the conditions set out in Subsection 1(a), (b) and (d), or
(b) meets the conditions set out in Subsection 1(a), (c) and (d) and the length of his working hours is at least 50% of the weekly working hours22).

(3) For a job seeker to be placed to perform publicly beneficial work, a suitable job also means such a job whose working hours do not exceed half the length of the weekly working hours pursuant to Section 79 of the Labour Code and which corresponds to the job seeker’s health condition.

Section 21 [Comment by WK]

(1) A natural person to whom the Regional Branch of the Labour Office provides services under this Act is obliged to provide the Regional Branch of the Labour Office with information concerning the person’s medical limitations to the extent necessary to find a suitable job, retraining and to establish appropriate forms of vocational rehabilitation and also inform the Regional Branch of the Labour Office whether the person is a person with a disability (Section 67). If a natural person declares its work restrictions for health reasons, the person is obliged to provide a medical opinion23) from a registering provider of health services in general practice or in practical medicine for children and adolescents, or in the absence of such, an opinion of another health care provider24) (the "Registering Provider").

(2) To assess the state of his health and have a medical opinion issued, the natural person under Subsection 1 is obliged, at the request of the Regional Branch of the Labour Office, to undergo an examination:

(a) with a contractual healthcare provider designated by the Regional Branch of the Labour Office23), if:
1. the person requests vocational rehabilitation or a grant to create a protected job (Section 75), or
2. the person provides health reasons that prevent it from fulfilling the duties of a job seeker or commencing retraining,
3. a medical opinion is required for a job seeker to be assigned the appropriate retraining course,
(b) with the relevant physician of a provider of occupational and medical services23), as regards the assessment of the suitability of the recommended job in terms of medical fitness, or by the Registering Provider if the employer has no contractual relationship for the provision of occupational and medical services24).

(3) For the purpose of assessing the fitness for the job for which the person is to be retrained, the natural person under Subsection 1 is also obliged to undergo psychological examinations, if such examinations are required by a special legal regulation.

(4) The costs associated with the assessment of the health status under Subsection 2 and psychological examination under Subsection 3 shall be borne by the Labour Office.

Section 22 [Comment by WK]
Person interested in a job

(1) A person interested in a job is a natural person who is interested in having a job intermediated and, for this purpose, applies for the inclusion in the register of person interested in a job with any Regional Branch of the Labour Office in the Czech Republic. The Regional Branch of the Labour Office shall provide the person interested in a job with a suitable job and can provide for the person’s retraining.

(2) By filing a written application, the person interested in a job is put and maintained in the register of person interested in a job.

(3) The Regional Branch of the Labour Office shall remove the person from the register of person interested in a job at the person’s request or if the person interested in a job fails to provide the Regional Branch of the Labour Office with the necessary cooperation in employment intermediation or obstructs it. The Regional Branch of the Labour Office is obliged, upon the termination of the registration in the register of person interested in a job, to block the information concerning the person until new reasons arise for its further processing.

Section 23 [Comment by WK]

Register of person interested in a job

The register of person interested in a job contains the identification data of persons interested in a job, details of their qualifications, work experience, interest in a particular job and the details of their health limitations associated with employment intermediation. The data from the register of person interested in a job are intended solely for the purposes of employment intermediation and for statistical purposes.

Job seeker

Section 24 [Comment by WK]

A job seeker is a natural person who personally applies for the intermediation of a suitable job with the Regional Branch of the Labour Office in whose territorial district the person resides and, subject to the conditions stipulated by law, the Regional Branch of the Labour Office includes the person in the register of job seekers.

Section 25 [Comment by WK]

(1) Unless otherwise provided for in this Act, a job seeker may only be a natural person having residence in the Czech Republic, who is not:

(a) in an employment relationship or under a service contract, except as provided Subsection 3 and 6,

(b) a self-employed person; a self-employed person means a natural person who is considered a self-employed person for pension insurance purposes pursuant to a special legal regulation 27),

(c) a partner or an executive of a limited liability company or a limited partner of a limited partnership company or a director of a publicly beneficial company or the head of a branch of a foreign legal person who, outside employment relationship with this company, performs work for the company for which the person receives remuneration from the company and the monthly or average monthly remuneration together with any other earnings (remuneration) under Subsection 3 exceeds half the minimum wage,

(d) a member of the board of directors or the governing director of a joint-stock company who, outside employment relationship with this company, performs work for the company for which the person receives remuneration from the company and the monthly or average monthly remuneration together with any other earnings (remuneration) under Subsection 3 exceeds half the minimum wage,

(e) a member of the supervisory board of a company who, outside employment relationship with this company, performs work for the company for which the person receives remuneration from the company and the monthly or average monthly remuneration together with any other earnings (remuneration) under Subsection 3 exceeds half the minimum wage,

(f) a member of a cooperative who, outside employment relationship with this cooperative, performs work for the cooperative for which the person receives remuneration from the cooperative and the monthly or average monthly remuneration together with any other earnings (remuneration) under Subsection 3 exceeds half the minimum wage,

(g) a judge,
(h) a deputy or a senator of the Parliament or a member of the European parliament,

(i) a member of the assembly of a territorial self-governing unit if such a member receives remuneration as a member of an assembly of a territorial self-governing unit acting as full-time members (*in Czech: uvolnění členové*),

(j) the President of the Czech Republic,

(k) member of the Government,

(l) the president, vice president or a member of the Supreme Audit Office,

(m) the Ombudsman or Deputy Ombudsman,

(n) a member of the Council for Radio and Television Broadcasting, member of the council of the Institute for the Study of Totalitarian Regimes, a member of the council of the Energy Regulatory Authority, a member of the council of the Czech Telecommunication Office, a Financial Arbitrator or a representative of the Financial Arbitrator,

(o) a bankruptcy trustee or trustee under a special legal regulation 28), corporate agent or liquidator pursuant to a special legal regulation 29) during period of performance of this activity,

(p) a person caring for a child or a person entered in the register of persons who may perform foster care on a temporary basis, if those persons receive foster parent remuneration pursuant to *Section 47j(1)(c) and (d)* of the act on the social and legal protection of children,

(q) gainfully employed abroad,

(r) a natural person following systematic training for a future vocation, except as provided under *Subsection 4*, or

(s) a natural person entrusted with business management who performs this activity for remuneration outside the employment relationship and its monthly or average monthly remuneration, together with any earnings (remuneration) under *Subsection 3* exceeds half the minimum wage.

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

(a) has been found temporarily unfit for work,

(b) serves a sentence of imprisonment or is subject to protective measure by means of high-security detention, or is held in custody,

(c) is receiving maternity benefits during the period up to and 6 weeks after the birth, or

(d) has 3rd degree disability 32a), with the exception of natural persons who have a 3rd degree disability and are able to perform gainful activity under extraordinary conditions 32b).

(3) The inclusion and registration in the register of job seekers is not prevented by:

(a) the performance of activities under the employment or service relationship, if the monthly income does not exceed half the minimum wage, or

(b) the performance of activities under an agreement to complete a job or agreement to perform work if the monthly remuneration or the remuneration for one month in the relevant period does not exceed half the minimum wage.

The job seeker is obliged to notify the regional branch of the Labour Office of the performance of such an activity, regardless of the amount of the monthly earning or remuneration upon the submission of the application for employment intermediation or no later than on the day of the commencement of this activity, and provide the Regional Branch of the Labour Office with a proof of the amount of the monthly earnings or remuneration within the time limit determined by the Regional Branch of the Labour Office. In the case of the performance of several activities, the monthly earnings (remuneration) are added together for the purposes of meeting the condition of monthly earnings.

(4) The inclusion and registration in the register of job seekers is not prevented if a natural person following a systematic training for a future vocation obtained in the relevant period (*Section 41*) through employment or another gainful activity the period of pension insurance pursuant to another legal regulation 32g) of at least 12 months. The fact that the person is following systematic training for future vocation must be notified by the natural person to the Regional
Branch of the Labour Office when submitting the employment intermediation application, or in person or in writing within 8 days after the date of commencement of the systematic training for a future vocation.

(5) The inclusion and registration in the register of job seekers is conditional on the performance of the activities under Subsection 3 not preventing the provision of cooperation to the Regional Branch of the Labour Office in intermediating suitable employment and accepting offers of suitable employment.

(6) The inclusion and registration in the register is not even prevented by such employment that is unsuitable for the job seeker (Section 20) and is intermediated by the Regional Branch of the Labour Office for a maximum period of 3 months if it corresponds to the job seeker’s health state (the “Temporary Employment”).

(7) The inclusion and registration in the register of job seekers is prevented by the failure to provide identification data and the failure to provide or withdrawal of consent to the processing of personal data (Section 17(2)).

(8) The inclusion and registration in the register of job seekers is prevented if:

(a) without a good reason, the natural person, itself or by agreement with the employer, terminates the suitable employment (Section 20) intermediated by the regional branch of the Labour Office, or

(b) the employer dismisses the natural person from the suitable employment (Section 20) intermediated by the Regional Branch of the Labour Office for a particularly serious breach of duty arising from legal regulations relating to the work performed.

In cases under Paragraphs (a) or (b), the natural person may be included in the register of job seekers following a new written application after 6 months from the date agreed as the date of commencement of employment intermediated by the Regional Branch of the Labour Office.

Section 26 [Comment by WK]

Inclusion in the register of job seekers

(1) A natural person shall be included in the register of job seekers on the date on which the person submits a written application for employment intermediation. If a natural person applies for employment intermediation within 3 business days after the termination of employment or other activities listed under Section 25(1) or activities that are considered substitute periods of employment pursuant to Section 41(3), the person shall be included in the register of job seekers from the day following the termination of employment or such activities.

(2) The application for employment intermediation contains, in particular, the identification data of the job seeker and the job seeker’s consent to process them, details of the job seeker’s qualifications, work experience, interest in certain jobs, health limitations and data that limit the job seeker in connection with employment intermediation.

(3) Where a natural person does not meet the conditions for the inclusion in the register of job seekers, the Regional Branch of the Labour Office issues a decision to that effect.

Register of job seekers

Section 27 [Comment by WK]

(1) The register of job seekers contains details provided in the application for employment intermediation and also the information about the course of employment intermediation, job seeker’s cooperation with the Regional Branch of the Labour Office and the provision of services within the active employment policy and work rehabilitation. The data from the register of job seekers are intended for the purposes of employment intermediation, for statistical purposes and for the purposes provided for under special legal regulations.

(2) The job seeker proves the facts relevant for the inclusion or registration in the register of job seekers to the Regional Branch of the Labour Office; changes to these facts must be notified by the job seeker in person or in writing within 8 calendar days. Within the same time limit, the job seeker is obliged to notify, personally or in writing, of the reasons for which the job seeker failed to attend the Regional Branch of the Labour Office or public administration contact point determined by the Regional Branch of the Labour Office within the respective time limit.

(3) Where the fact relevant for the inclusion or registration in the register of job seekers and their changes cannot be proven otherwise, the Regional Branch of the Labour Office may allow them to be proved by a statutory declaration.

(4) If a job seekers who changes residence while kept in the register of job seekers and fulfils the reporting
obligation under Subsection 2, the Regional Branch of the Labour Office shall, on the date of the change of residence, transfer the records about the job seeker to the regional branch of the Labour Office relevant to the job seeker’s new residence.

Section 28 [Comment by WK]

(1) A job seeker may ask the relevant Regional Branch of the Labour Office (Section 24) for employment intermediation by the Regional Branch of the Labour Office in whose territorial district the person stays for serious reasons. If, within 10 calendar days from the date of submission of the application, the Regional Branches of the Labour Office agree, the person’s employment intermediation shall be performed and other rights and duties arising from this Act exercised by the Regional Branch of the Labour Office in whose territorial district the job seeker actually stays. If the regional branches of the Labour Office fail to agree, the Directorate General of the Labour Office will determine the Regional Branch of the Labour Office which will intermediate employment and exercise other rights and duties under this Act.

(2) The job seeker is obliged to perform the duties of job seekers at the contact office of the Regional Branch of the Labour Office, which the job seeker requested to provide for the employment intermediation; the obligations under this sentence may also be fulfilled at a public administration contact point determined by the Regional Branch of the Labour Office. A job seeker may request a change in the contact office in the territorial district of the Regional Branch of the Labour Office. The Regional Branch of the Labour Office will determine the contact office where the job seeker will fulfil the duties of job seekers under this Act.

Section 29 [Comment by WK]

Termination of registration in the register of job seekers

The Regional Branch of the Labour Office shall terminate a job seeker’s registration in the register of job seekers on the date:

(a) of the occurrence of any of the facts preventing the inclusion or registration of the job seeker in the register of job seekers under Section 25, except as provided in Section 25(2)(a) and (c), based on a notification made by the job seeker in person or in writing.

(b) on which a written request of the job seeker to terminate the registration in the register of job seekers is delivered, except where there is a reason for removal from the register of job seekers under Section 30,

(c) of the commencement of prison sentence or protective measures through high-security detention,

(d) following the date of death of the job seeker or the day following the declaration of the job seeker’s death,

(e) following the expiry of 6 months after the job seeker has been taken into custody,

(f) of the inclusion in the register of job seekers if the Regional Branch of the Labour Office subsequently found that the job seeker was not eligible to be a party to legal relationships under Section 1(b),

(g) on which the job seeker ceased to be eligible to be a party to legal relationships under Section 3(1)(b), or

(h) of revocation of the blue card, or its expiry.

Section 30 [Comment by WK]

Removal from the register of job seekers

(1) The Regional Branch of the Labour Office shall decide to remove a job seeker from the register of job seekers:

(a) in the case of the occurrence of any of the facts preventing the inclusion or registration of the job seeker in the register of job seekers under Section 25, except as provided in Section 25(2)(a) to (c), and the job seeker fails to fulfil the duty to notify under Section 27(2),

(b) if the job seeker, without a serious reason:

1. fails to fulfil the duty set out in Section 25(3) or

2. fails to notify, within the time limit specified in Section 27(2), the Regional Branch of the Labour Office in person or in writing of other facts that have an impact on the inclusion and registration in the register of job seekers, or of the reasons for which the job seeker did not attend the Regional Branch of the Labour Office within the specified time limit,
(c) if the medical opinion considers the job seeker unable to meet the duty to cooperate with the Regional Branch of the Labour Office in employment mediation,

(d) the job seeker withdrew its consent with the processing of personal data, or

(e) the job seeker performs illegal work.

(2) The Regional Branch of the Labour Office shall decide to remove a job seeker from the register of job seekers if, without a serious reason:

(a) the job seeker refuses to commence suitable employment (Section 20),

(b) the job seeker refuses to commence an agreed retraining (Section 109) does not participate in the retraining course within the specified scope of theoretical and practical training, does not meet the educational and training duties determined by the educational establishment providing the retraining, or will not take the final examination of acquired knowledge and skills, or a job seeker registered in the register of job seekers continuously for more than 5 months refuses the offer of the Regional Branch of the Labour Office on retraining,

(c) the job seeker fails to provide cooperation in producing, updating or evaluating the individual action plan, or does not fulfil the conditions set out therein (Section 33(2)),

(d) repealed

(e) the job seeker refuses to undergo an examination of the state of the job seeker’s health (Section 21(2)) or psychological examination (Section 21(3)), or

(f) obstructs cooperation with the Regional Branch of the Labour Office (Section 31).

(3) A job seeker is removed from the register of job seekers on the day on which any of the facts under Subsections 1 and 2 occurs. The decision to remove cannot be made 3 years after the occurrence of the fact preventing the registration in the register of job seekers under Subsection 1(a), or where the job seeker has failed to fulfill his duty pursuant to Subsection 1(b).

(4) A job seeker who has been removed from the register of job seekers for any of the reasons specified:

(a) in Subsection 1(a), (b) and (d) may, based on a new written application, reincluded in the register of job seekers after of three months from the date of removal from the register of job seekers, unless otherwise provided for in this Act,

(b) in Subsection 1(e) and in Subsection 2 may, based on a new written application, reincluded in the register of job seekers after of six months from the date of removal from the register of job seekers.

Section 31 [Comment by WK]
A job seeker obstructs cooperation with the Regional Branch of the Labour Office if:

(a) the medical opinion declares the job seeker to be able to fulfil the duties towards the Regional Branch of the Labour Office, but the job seeker fails to do so,

(b) the job seeker fails to discuss a recommended job within the time limit set by the Regional Branch of the Labour Office,

(c) fails to appear at the Regional Branch of the Labour Office within the specified time limit without a serious reason Section 5(6).

(d) fails to fulfil the duties under Section 21, or

(e) performs another act which obstructs employment intermediation or the commencement of employment.

Section 32 [Comment by WK]
(1) Upon the termination of the registration of a job seeker in the register of job seekers, the Regional Branch of the Labour Office is obliged to provide the job seeker with a confirmation of the duration of the registration in the register of job seekers and of the provision of unemployment benefits and retraining benefits.
The regional branch of the Labour Office is obliged, upon termination of the registration in the register of job seekers (Section 9) and removal from the register of job seekers (Section 30), to block the data relating to the job seeker until new reasons arise to further process them.

Section 33 [Comment by WK]

Special care in employment intermediation

(1) When intermediating employment, special care is paid to job seekers who so require due to their state of health, age, care for a child or other serious reasons.

(2) To increase the employability of job seekers, individual action plan is used. The individual action plan is a document prepared by the Regional Branch of the Labour Office in cooperation with the job seeker. The contents of the individual action plan primarily consist of the procedure and timetable for the implementation of individual measures to increase the employability of the job seeker. In determining the contents of the individual action plan, data on formal qualifications, state of health, capacities and skills of the job seeker are relied on. The job seeker may apply for the preparation of the individual action plan anytime during the registration in the register of job seekers. The Regional Branch of the Labour Office shall draw up the individual action plan every time a job seeker has been registered in the register of job seekers continuously for more than 5 months. The job seeker is obliged to cooperate with the Regional Branch of the Labour Office in preparing, updating and evaluating the individual action plan; in doing so, it shall comply with the deadlines specified by the Regional Branch of the Labour Office and meet the conditions laid down therein.

Job vacancies

Section 34 [Comment by WK]

The employer finds the required number and structure of employees itself or with the assistance of the Regional Branch of the Labour Office, from which it may require information about the situation on the labour market or consulting services in the selection of suitable employees from among job seekers and person interested in a job, or with the assistance of an employment agency.

Section 35 [Comment by WK]

(1) The employer may notify the relevant Regional Branch of the Labour Office of a job vacancy and its characteristics (Section 37). Job vacancies mean newly created or vacated jobs for which the employer intends to hire employees or intends to fill them with employees temporarily assigned by an employment agency.

(2) The employer may carry out the notification under Subsection 1 also with the local Licensed Trades Office, if so provided under a special legal regulation. The Licensed Trades Office shall forward the notification to the relevant Regional Branch of the Labour Office by the prescribed deadline.

Section 36 [Comment by WK]

repealed

Section 37 [Comment by WK]

The Regional Branch of the Labour Office keeps records of job vacancies, which contains identification data of the employer, basic characteristics of the job, i.e. the determination of the type of work and place of work, qualifications and requirements to perform the job, basic information about working and wage conditions and information about whether the job is reserved or suitable for persons with disabilities. The record also contains information about whether the job is for indefinite term or fixed term, and its expected length. The records may also contain information on accommodation, commuting and other information that the employer wishes to disclose.

Section 37a [Comment by WK]

(1) The central register of job vacancies which can be filled by employee card holders and the central register of job vacancies which can be filled by blue card holder kept by the Ministry contain data provided under Section 37.

(2) A job vacancy which can be filled by an employee card holder means a job that has not been filled within 30 days after its notification to the Regional Branch of the Labour Office, with the exception of positions of officials of
territorial self-governing units\textsuperscript{39} and service posts of civil servants. The employer must give consent to the inclusion of a job in the central register of job vacancies which can be filled by employee card holders.

(3) A job vacancy which can be filled by an blue card holder means a job that has not been filled within 30 days after its notification to the Regional Branch of the Labour Office, with the exception of positions of officials of territorial self-governing units\textsuperscript{39} and service posts of civil servants; at the same time it is a job whose performance requires high qualification pursuant to the act on the residence of foreign nationals in the Czech Republic. The employer must give consent to the inclusion of a job in the central register of job vacancies which can be filled by blue card holders.

(4) The embassy of the Czech Republic shall indicate in the central register of vacancies which can be filled by employee card holders that an application for the issuance of an employee card has been filed as well as any withdrawal of this application and in the central register of vacancies which can be filled by blue card that an application for a blue card has been filed and any withdrawal of this application. The Ministry of the Interior shall indicate in the central register that an application for an employee card or blue card has been filed, or that such an application has been withdrawn, if it was made in the Czech Republic, the date of the decision on the application, the date on which the confirmation of the conditions for the issuance of employee card or blue card was received and the date on which the employee card or blue card was issued or the date on which the proceedings concerning the application for the employee card or blue card were stopped. If the employer or employment status changes with the prior approval of the Ministry of Interior, the Ministry of Interior shall indicate in the central register of vacancies which can be filled by employee card holders or in the central register of vacancies which can be filled by blue card holders that an application for approval of a change of employer, has been filed, the job for which the approval is applied for, and the date of approval.

(5) The Ministry of Interior shall, immediately after issuing the confirmation that the conditions for the issuance of an employee card or blue card have been met, communicate electronically to the Ministry the identification data of the foreign national to receive the employment card or blue card, and the information about the job for which it is issued; it shall also inform the Ministry of their renewal, cancellation or expiration.

(6) The Ministry shall not include in or remove from the central register of vacancies which can be filled by employee card holders or the central register of vacancies which can be filled by blue card holders a job vacancy of an employer if:

(a) during the last four months, the employer received a final and enforceable fine for allowing illegal work, or
(b) the vacancy can be filled otherwise given the required qualification or sufficient number of available workforce.

Section 37b [Comment by WK]

repealed

Section 38 [Comment by WK]

The Regional Branch of the Labour Office offers job vacancies to job seekers and person interested in a job and publishes them with the consent of the employer, including publication in electronic media. The Regional Branch of the Labour Office does not offer and publish job offers that are discriminatory or are in conflict with labour-law (Section 126(2)) and other legal regulations or are contrary to good morals. The Regional Branch of the Labour Office also does not offer or publish job vacancies of employers who have received a fine for breach of a duty arising from labour-law regulations Section 126(2) or for a breach of a duty arising from special legal regulations controlled by the State Labour Inspection Office, or Regional Labour Inspection Office, for a period of 3 months from the date on which the decision on the imposition of the fine became final and enforceable.

TITLE III

UNEMPLOYMENT BENEFITS AND RETRAINING BENEFITS

Section 39 [Comment by WK]

(1) The job seekers entitled to unemployment benefits are those who:

(a) obtained in the relevant period (Section 41), through employment or another gainful activity the period of pension insurance pursuant to a special legal regulation\textsuperscript{36} of at least 12 months (hereinafter "Previous Employment"); if the periods of pension insurance overlap, they are counted only once,
(b) applied with the Regional Branch of the Labour Office in which he is registered in the register of job seekers for the provision of unemployment benefits, and

c) does not receive old-age pension on the date on which the unemployment benefit is to be granted.

(2) The job seekers not entitled to unemployment benefits are those:

(a) with whom employment was terminated due to a particularly serious breach of duty arising from legal regulations regarding the performed work[^33] in the last 6 months before the inclusion in the register of job seekers; the same applies in the case of termination of the another labour relationship on similar grounds,

(b) with whom the employment relationship was terminated in the last 6 months before the inclusion in the register of job seekers due to a particularly serious breach of another duty of the employee pursuant to Section 301 of the Labour Code[^79],

(c) who have become entitled to a service pension contribution under special legal regulations[^34] which is higher than the unemployment benefit that the job seeker would be entitled to receive in the absence of the entitlement to the service pension contribution,

(d) who, as of the date on which unemployment benefits are to be granted, is in a legal relationship under the performance of any of the activities under Section 25(3), or

(e) who, as of the date on which unemployment benefits are to be granted, has the status of any of the persons under Section 25(1)(c) to (f) and (s); in doing so, the amount of earnings or compensation is disregarded; this does not apply to members of housing cooperatives who perform work or activities for a housing cooperative outside the employment relationship, or who are responsible for the business management of a housing cooperative.

(3) The decision on the unemployment benefits shall be made by the Regional Branch of the Labour Office.

Section 40 [Comment by WK]

(1) Job seekers entitled to retraining benefits are those who participated in retraining provided for by the Regional Branch of the Labour Office (Section 109) and who do not receive old-age pension as of the date on which retraining benefits are to be granted.

(2) The decision on the retraining benefits shall be made by the Regional Branch of the Labour Office.

(3) Retraining benefits are granted throughout retraining, except for periods referred to under Section 44(1).

Section 41 [Comment by WK]

(1) The period relevant for the assessment of claims for unemployment benefits and retraining benefits is the last 2 years prior to the inclusion in the register of job seekers.

(2) If the condition set out in Section 39(1)(a) is not fulfilled by means of a previous job, this condition can also be fulfilled by offsetting substitute employment period. Previous employment excludes periods of pension insurance obtained through employment or another gainful activity during the registration in the register of job seekers (Section 25(1) and (3)) and short-term employment. If the period of pension insurance obtained through employment or another gainful activity and substitute employment period overlap, the previous employment period shall preferentially include pension insurance obtained through employment or another gainful activity.

(3) Substitute employment period is considered to constitute the period:

(a) of training of persons with disabilities for work (Section 72),

b) receiving disability pension for 3rd degree disability,

(c) of performance of personal care for a child aged up to 4 years,

(d) of performance of personal care for a natural person who, pursuant to a special legal regulation, is considered a person dependent on the assistance of another natural person at 2nd degree (medium dependence), at 3rd degree (severe dependence) or 4th degree (full dependence)[^3a], where such a person permanently lives together with the job seeker and the share the costs of providing for their needs; these conditions are not required in the case of a person considered a close person for the purposes of pension insurance,
(e) of the performance of a volunteer service under a volunteer contract with the sending organization which has been accredited by the Ministry of Interior, or the performance of a public service under a contract for the performance of a public service, where the extent of services rendered exceeds an average of at least 20 hours per calendar week.

(f) of the performance of personal care for a natural person under 10 years of age who, under a special legal regulation, is considered as having 1st grade dependence on the assistance of another natural person (light dependence),

(g) of the duration of temporary unfitness to work or ordered quarantine of the person after the end of gainful activity, which gave rise to its participation in the health insurance under a special legal regulation, unless the person self-inflicted the temporary unfitness intentionally and if the temporary unfitness or ordered quarantine occurred at the time of the gainful activity or the protection period under a special legal regulation.

(4) If the substitute employment periods under Subsection 3 overlap, they shall be included only once.

Section 42

(1) The job seeker is entitled to unemployment benefits subject to the fulfilment of certain conditions from the date on which the written application for unemployment benefits was submitted.

(2) The job seeker must prove the facts relevant for the granting and payment of unemployment benefit to the regional branch of the Labour Office, for example by presenting the registration certificate of pension insurance, proof of employment, proof of the amount of average earnings, proof of performance of another gainful activity, in the case of self-employed persons a proof of the period for which contributions to pension insurance were paid and an assessment basis for social security premiums and contributions to the state employment policy; changes to these facts must be notified to the Regional Branch of the Labour Office within 8 calendar days. When applying for unemployment benefits, job seekers are obliged to notify the Regional Branch of the Labour Office in writing whether they are party to a legal relationship arising from the performance of any of the activities under Section 25(3) or whether they have the status of a person under Section 25(1)(c) to (f) and (s), without taking account of the amount of earnings or remuneration; this does not apply to members of housing cooperatives who perform work or services for the housing cooperative outside the labour-law relationship, or who are responsible for the business management of the housing cooperative. If a legal relationship or a legal status under the second sentence are created while receiving unemployment benefits, the job seeker is obliged to notify these facts to the Regional Branch of the Labour Office in writing no later than on the date of their creation.

(3) If a job seeker applies for unemployment benefit within 3 business days after the termination of employment or other activities specified under Section 25(1) or activities that are considered substitute periods of employment pursuant to Section 41(3), the unemployment benefit shall be granted from the day following the termination of employment or such activities.

Section 43

(1) A job seeker is entitled to the unemployment benefit for the support period, subject to certain conditions. The duration of the support period is:

(a) 5 months for job seekers up to 50 years of age,

(b) 8 months for job seekers above 50 up to 55 years of age,

(c) 11 months for job seekers above 55 years of age,

(2) The relevant fact for the duration of the support period is the age of the job seeker on the day on which the application for the unemployment benefit is filed.

Section 44

(1) A job seeker shall not receive unemployment benefit and retraining benefit for the period of:

(a) the provision of old-age pension,

(b) the provision of sickness insurance benefits, excluding sickness insurance benefits that are provided to the job seeker from the contributions to sickness insurance paid in relation to activities pursuant to Section 25(3) or employment pursuant to Section 25(6),
(c) custody.

(2) For the period under Subsection 1, the Regional Branch of the Labour Office shall decide to suspend providing the unemployment benefit or retraining benefit.

(3) A job seeker shall not be granted unemployment benefit for the duration of the legal relationship created in relation to the performance of any of the activities under Section 25(3), for the period during which the job seeker has the status of any of the persons under Section 25(1)(c) to (f) and (s) without taking account of the amount of earnings or remuneration; this does not apply to the members of housing cooperatives who perform work or services for housing cooperatives outside the employment relationship, or who are responsible for the business management of the housing cooperative, and for the period for which the job seeker receives retraining benefit.

Section 44a [Comment by WK]

A job seeker who received severance pay (in Czech: odstupné)\(^{73}\), or severance pay for the employees of law enforcement bodies (in Czech: odchodné) or the armed forces (in Czech: odbytné)\(^{74}\) from the last employment pursuant to other legal regulations shall be provided with the unemployment benefit only after a period to be determined according to the number of multiples of average earnings or monthly service income from which the minimum amount of severance pay or severance pay for the employees of law enforcement bodies or the armed forces was derived pursuant to other legal regulations. The preceding sentence does not affect the provision of unemployment benefit for the total period provided for by this Act.

Section 44b [Comment by WK]

(1) The Regional Branch of the Labour Office shall provide a job seeker who has become entitled to unemployment benefit, but was not paid severance pay or severance pay for the employees of law enforcement bodies or the armed forces after the termination of employment or service on the next pay date designated by the employer for the payment of salary or on the date of termination of employment or service, with a compensation for the period from the inclusion in the register of job seekers until the lapse of the period under Section 44a. Unemployment benefit shall be provided to the job seeker only after the lapse of the period for which compensation under the first sentence was granted.

(2) The amount of compensation is determined by multiplying the period for which severance pay or severance pay for the employees of law enforcement bodies or the armed forces is to be paid and 65% of the average monthly net earnings\(^{15}\), which was identified for the job seeker and was last used for labour-law purposes in the job seeker’s last terminated employment pursuant to labour-law regulations\(^{15}\); if such labour-law regulations did not apply to the job seeker with respect to the regulation based on specific legal regulations for a legal relationship in which the job seeker performed the last terminated employment, the job seeker’s average net monthly earnings shall, for the purposes of unemployment benefit and retraining benefit, be identified by analogy pursuant to labour-law regulations\(^{15}\).

(3) If the job seeker is unable to prove the average net monthly earnings, the compensation to be provided is the multiple of the period for which severance pay or severance pay for the employees of law enforcement bodies or the armed forces is to be paid and 0.15 times the national average wage for the first to third quarters of the calendar year preceding the calendar year in which the job seeker was included in the register of job seekers.

(4) If the job seeker is entitled to the compensation only for a part of the calendar month, its amount shall be determined as a proportional amount equivalent to the number of calendar days for which the job seeker is entitled to it. The resulting amount is rounded up to whole crowns.

(5) The Regional Branch of the Labour Office shall issue a decision on the provision of the compensation.

(6) The Regional Branch of the Labour Office informs the employer about the amount of the compensation paid within 3 working days after the decision becomes final and enforceable. The employer is obliged to amount to the Labour Office within 10 working days after the delivery of the information, even if the employer has already paid the severance pay owed. The Regional Branch of the Labour Office notifies the failure to fulfil this duty to the customs office competent according to the registered office of an employer – a legal entity, or residence of an employer – a natural person; the outstanding amount of the compensation is enforced from the employer by that customs office.

Section 45 [Comment by WK]

The entitlement to unemployment benefit terminates:

(a) upon the expiration of the support period,
(b) upon the termination of registration in the register of job seekers (Section 29), or
(c) upon the removal from the register of job seekers (Section 30).

Section 46 [Comment by WK]

The support period does not include the period:

(a) for which the job seeker receives sickness insurance benefits and consequently did not receive unemployment benefit (Section 44(1)(b)),
(b) for which the job seeker is party to a legal relationship created in relation to the performance of any of the activities under Section 25(3) and consequently did not receive the unemployment benefit,
(c) for which the job seeker has the status of any of the persons under Section 25(1)(c) to (f) and (s), without taking account of the amount of earnings or remuneration; this does not apply to members of housing cooperatives who perform work or activities for a housing cooperative outside the employment relationship, or who are responsible for the business management of a housing cooperative, and consequently the job seeker did not receive the unemployment benefit,
(d) of the provision of retraining benefit (Section 40, Section 72(5) and Section 74(2)),
(e) of custody.

Section 47

repealed

Section 48 [Comment by WK]

A job seeker whose support period has not completely expired in the last 2 years prior to the inclusion in the register of job seekers and who, after the expiration of a part of the support period, obtained a period of pension insurance through employment or another gainful activity pursuant to a special legal regulation of at least 3 months, is entitled to unemployment benefits for the entire support period. If the job seeker obtained, through employment or another gainful activity, the period of pension insurance of less than 3 months, the job seeker is entitled to unemployment benefits for the remaining support period. At the same time it is necessary to satisfy the condition of the total period of previous employment (Section 39(1)(a)).

Section 49 [Comment by WK]

(1) A job seeker whose support period has expired completely in the last 2 years prior to the inclusion in the register of job seekers is entitled to unemployment benefit if, after the expiry of the support period, obtained a period of pension insurance through employment or another gainful activity of at least 6 months; this period is not required where the job seeker terminated the employment or gainful activity for health reasons or terminated the employment for reasons provided in a special legal regulation or because the employer breached a substantial duty arising from legal regulations, collective agreement or agreed working conditions. At the same time it is necessary to satisfy the condition of the total period of previous employment (Section 39(1)(a)).

(2) The period of 6 months pursuant to Subsection 1 excludes periods of pension insurance obtained through employment or another gainful activity during the registration in the register of job seekers (Section 25(1) and (3)) and short-term employment.

Amount of unemployment benefit and retraining benefit

Section 50 [Comment by WK]

(1) The amount of unemployment benefit and retraining benefit is determined as a percentage of the average monthly net earnings, which was identified for the job seeker and was last used for labour-law purposes in the job seeker’s last terminated employment in the relevant period pursuant to labour-law regulations; if such labour-law regulations did not apply to the job seeker with respect to the regulation based on specific legal regulations for a legal relationship in which the job seeker performed the last terminated employment, the job seeker’s average net monthly earnings shall, for the purposes of unemployment benefit and retraining benefit, be identified by analogy pursuant to labour-law regulations.
The amount of unemployment benefit and retraining benefit for a job seeker who was self-employed before the inclusion in the register of job seekers is to be determined as a percentage from the last assessment basis in the relevant period converted to 1 calendar month.

The percentage of unemployment benefit is 65% of the average net monthly earnings or assessment basis for the first two months of support period, 50% of the average net monthly earnings or assessment basis for the next 2 months of support period and 45% of the average net monthly earnings or assessment basis for the remaining support period. If, before the inclusion in the register of job seekers, a job seeker terminated last employment himself or by agreement with the employer without a serious reason, the percentage of unemployment benefit is 45% of the average net monthly earnings or assessment basis. If a job seeker terminated several jobs himself or by agreement on the same day, where at least one was terminated for serious reasons, the job seeker is entitled to the percentage of unemployment benefits under the first sentence. If, before the inclusion in the register of job seekers, a job seeker was self-employed, the second sentence does not apply. The percentage of retraining allowance is 60% of the average net monthly earnings or assessment basis.

If, in the relevant period, the job seeker terminated on the same day several jobs, or employment and self-employment which constitute the period of pension insurance, the unemployment benefit and retraining benefit are to be determined from the amount which is equivalent to the sum of the average net earnings or the sum of the average net monthly earnings and the assessment basis.

The calculated level of unemployment benefit and retraining benefit shall be rounded up to whole crowns.

The maximum amount of unemployment benefit is 0.58 times the national average wage for the first to third quarters of the calendar year preceding the calendar year in which the application for unemployment benefit was filed. The maximum amount of retraining benefit is 0.65 times the national average wage for the first to third quarters of the calendar year preceding the calendar year in which the job seeker commenced retraining.

Concerning a job seeker who is entitled to a service pension contribution and at the same time becomes entitled to unemployment benefit (Section 39), the amount of unemployment benefit is determined as the difference between the unemployment benefit calculated in accordance with the first sentence of Subsection 3 and the service pension contribution.

Section 51

The unemployment benefit for a job seeker is calculated from the national average wage for the first to third quarters of the calendar year preceding the calendar year in which the application for support was filed as 0.15 times the above average wage for the first two months, 0.12 times the above average wage for the next 2 months and 0.11 times the above average wage for the remaining support period, if:

(a) the job seeker satisfied the condition of the period of previous employment (Section 39(1)(a)) by offsetting substitute period and this period is considered as the last employment,

(b) the job seeker cannot prove the amount of the average net monthly earnings or assessment basis without the job seeker being at fault, or

(c) it is impossible to identify the average net monthly earnings or assessment base of the job seeker.

Job seeker’s retraining support shall, in the cases under Subsection 1, be set at 0.14 times the national average wage for the first to third quarters of the calendar year preceding the calendar year in which the job seeker commenced the retraining.

Pursuant to Subsections 1 and 2 do not apply in cases under Section 50(4), if at least one of the average monthly net earnings or the assessment basis are known.

Section 52

In the case of a job seeker whose last employment before applying for unemployment benefit did not constitute the period of pension insurance, but who met the condition of the overall period of previous employment as set out under Section 39(1)(a), the unemployment benefit is calculated from the average net monthly earnings or assessment basis, which the job seeker reached in the last employment or another gainful activity that constitutes the period of pension insurance.
Section 53 [Comment by WK]

(1) Unemployment benefit, retraining benefit and compensation under Section 44b is paid in Czech currency by transfer to the payment account designated by the beneficiary or by a postal order, as decided by the beneficiary.

(2) Unemployment benefit and retraining benefit are payable when the decision to grant them becomes final and enforceable, being payable monthly in arrears no later than in the following month. In justified cases, they may be paid in advance and settled upon the next instalment.

(3) If the conditions for granting unemployment benefit or retraining benefit for a part of a calendar month have been satisfied, the unemployment benefit or retraining benefit shall be paid in proportion to the number of calendar days in which these conditions were satisfied. The resulting amount is rounded up to whole crowns.

Section 54 [Comment by WK]

(1) If it is subsequently found that unemployment benefit or retraining benefit for a job seeker was wrongfully denied or granted or paid at a lower amount than it was due, or granted from a later date than it was due, it shall be subsequently granted, or increased and the rest paid. If a competent body decides that the termination of a labour-law relationship or another employment relationship in the case under Section 39(2)(a) and (b) is invalid, the procedure applies by analogy.

(2) If a job seeker was wrongfully denied inclusion in the register of job seekers, the job seeker is entitled to the unemployment benefit, subject to certain conditions, from the date of inclusion in the register, unless the job seeker applies for the unemployment benefit to be granted at a later date.

(3) The Regional Branch of the Labour Office shall issue a decision on the subsequent granting of or increase in the unemployment benefit or retraining benefit.

(4) The entitlement to unemployment benefit or retraining benefit or their individual instalments expires 5 years after the date on which they were due or payments should have been made.

Section 55 [Comment by WK]

(1) If it is subsequently found that unemployment benefit or retraining benefit for a job seeker was granted or paid in a higher amount than was due, or was granted or paid wrongfully, the Regional Branch of the Labour Office shall decide to reduce it or suspend its payment from the day following the date on which the period for which it was already paid expired.

(2) If a job seeker was granted and paid unemployment benefit or retraining benefit wrongfully or at a higher amount than was actually due, and the job seeker was at fault mainly because the job seeker concealed or incorrectly reported certain relevant fact or did not fulfil its duty to notify, the job seeker is obliged to repay the sums unduly received.

(3) The Regional Branch of the Labour Office shall issue a decision on the duty to repay the unemployment benefit or retraining benefit.

(4) The entitlement to the repayment of unemployment benefit or retraining benefit or its instalments provided wrongfully or in an incorrect amount expires 5 years after the date on which it was not due at all or in the amount paid.

Section 56 [Comment by WK]

(1) A job seeker is obliged to repay any unemployment benefit and retraining benefit or their parts, if

(a) a competent body decides that the termination of the job seeker’s labour-law relationship is invalid and this relationship has not ceased,

(b) a competent body decides that the performance of other gainful activities under Section 25(1) has not ceased,

(c) the Regional Branch of the Labour Office subsequently finds that the job seeker has been granted an old-age pension or disability pension for third degree disability, excluding disability pensions granted to a natural person who is disabled in the third degree and is capable of gainful employment under extraordinary conditions [23b], or

(d) the Regional Branch of the Labour Office subsequently finds that the job seeker was provided with sickness insurance
benefits, excluding sickness insurance benefits that are provided to the job seeker from the contributions to sickness insurance paid in relation to activities under Section 25(3) or employment under Section 25(6).

(2) A job seeker is obliged to repay unemployment benefit and retraining benefit to the Labour Office for the period during which their provision overlaps with the period:

(a) of the labour-law relationship or the performance of other gainful activities, excluding the activities under Section 25(6),

(b) the receipt of an old-age pension,

(c) the receipt of disability pension for third degree disability, excluding disability pensions granted to a natural person who is disabled in the third degree and is capable of gainful employment under extraordinary conditions12b), or

(b) the provision of sickness insurance benefits, excluding sickness insurance benefits that are provided to the job seeker from the contributions to sickness insurance paid in relation to activities pursuant to Section 25(3) or employment pursuant to Section 25(6).

(3) The Regional Branch of the Labour Office shall issue a decision on the duty to repay the unemployment benefit or retraining benefit.

(4) The entitlement to the repayment of unemployment benefit and retraining benefit or their parts expires 5 years after the date they were granted.

Section 57 [Comment by WK]

(1) Unemployment benefit and retraining benefit are not granted to be paid abroad, unless otherwise provided by an international treaty which has been ratified by the Parliament and which is binding on the Czech Republic.

(2) The amount of the average wage for the first to the third quarters of the previous calendar year is based on data from the Czech Statistical Office and announced by the Ministry by publication in the Official Journal.

TITLE IV

INTERMEDIATION OF EMPLOYMENT BY EMPLOYMENT AGENCIES

Section 58 [Comment by WK]

(1) Employment agencies may perform employment intermediation in the Czech Republic, or from the Czech Republic abroad and from abroad to the Czech Republic.

(2) Employment agencies may perform employment intermediation gratuitously or for a fee, including a fee generating profit. Concerning employment intermediation for a fee, the natural person for which employment is intermediated may not be requested to pay the fee.

(3) Any wage deductions or bonuses provided to the employee for the performed work may not be provided to the employment agency or the user in the case of employment intermediation for a fee.

Section 58a [Comment by WK]

(1) The employment agency that has been granted a permission to intermediate employment pursuant to Section 14(1)(b) is required to take out guarantee insurance in case of its bankruptcy84) (the "insurance"), under which a temporarily assigned employee is entitled to a compensation if the employee’s agency fails to pay wages due to bankruptcy.

(2) In accordance with Subsection1, an employment agency is obliged to take out insurance that ensures the payment of wages at the amount of at least three times the average monthly wage85) of all its employees that are temporarily assigned or to be temporarily assigned to perform work for the user. The employment agency is obliged to provide the General Directorate of the Labour Office with a proof that the insurance has been taken out within 2 months from the date on which the decision to permit employment intermediation became final and enforceable.

(3) The insurance can only be taken out with an insurance company which is authorized to provide guarantee insurance pursuant to the Insurance Act84).
(4) Mandatory guarantee insurance is governed by the Insurance Contract Act\textsuperscript{[86]}, unless otherwise provided for in this Act.

(5) The bankruptcy of the employment agency must be certified or determined by proving pursuant to the Insolvency Act\textsuperscript{[87]}.

(6) Before the conclusion of the insurance contract and at any time during the insurance period, the employment agency work is obliged to allow the insurance company, at its request, to access all documents relating to the insurance pursuant to Subsection 1 and provide an explanation for such documents.

(7) Any claims of a temporarily assigned employee created towards the employment agency under Subsection 1 or 2 pass to the insurance company up to three times the average monthly earnings.

(8) The employment agency is obliged to immediately inform the Directorate General of the Labour Office about any indemnification granted and about the termination of insurance.

Section 59 [Comment by WK]

(1) Employment agencies are obliged to keep records of:

(a) the number of job vacancies in respect of which employment intermediation is required under Section 14(1)(a),

(b) natural persons placed by such agencies,

(c) to their employees for which they intermediate employment pursuant to Section 14(1)(b).

(2) For statistical purposes, by 31 January of the current year the employment agencies shall inform the General Directorate of the Labour Office in particular of the following data for the previous calendar year:

(a) the number of job vacancies in respect of which employment intermediation was required under Section 14(1)(a),

(b) the number of natural persons allocated by them, out of which the number of job seekers allocated upon the agreement with the Employment Office under Section 119a,

(c) the number of their employees who were temporarily assigned to work with a user, the number of the citizens of the Czech Republic, the number of EU citizens, the number of the citizens of the EEC and Switzerland and the number of other foreign nationals being provided separately.

Section 60 [Comment by WK]

(1) The permission to intermediate employment pursuant to Section 14(3)(b) is issued by the Directorate General of the Labour Office based on an application of the natural or legal person for:

(a) a permit to intermediate employment in the Czech Republic,

(b) a permit to intermediate employment of foreign nationals in the Czech Republic,

(c) a permit to intermediate employment abroad.

(2) The granting of the permit to intermediate employment to a natural person is conditional on the person being at least 18 years of age and having legal capacity, clean criminal record, professional competence and residence in the Czech Republic.

(3) The granting of the permit to intermediate employment to a natural person defined in the act on the free movement of services\textsuperscript{[9b]} is the minimum age of 18, having legal capacity, no criminal record, professional competence and residence in the Czech Republic and, in the absence of such residence, the mailing address in Czech Republic.

(4) A person having no criminal record is understood as a natural or legal person who has not been finally and enforceably convicted of an intentional criminal act or a criminal act against property.

(5) No criminal record shall be proved by an extract from the Criminal Record, which must not be older than 3 months. In order to prove having no criminal record, the Directorate General of the Labour Office shall request an extract from the Criminal Record pursuant to a special legal regulation. The request for an extract from the Criminal Record and the
A foreign natural person also proves having no criminal record by equivalent documents issued by the State of which the person is a citizen, as well as the States in which the person stayed continuously for more than 6 months in the last three years; if the State does not issue such a document, it may be proved by a statutory declaration made before competent judicial or administrative body of that State. The documents must not be older than 3 months.

(7) A legal person having its registered office outside the territory of the Czech Republic also proves having no criminal record by equivalent documents issued by the State in which it has its registered office, as well as States in which it had operations for at least 6 months in the last 3 years. The documents must not be older than 3 months.

(8) A professionally competent person is a natural person who has a university degree and at least two years of professional experience in employment intermediation or in the field for which the employment intermediation is to be permitted, or who has secondary education with the maturita examination, tertiary vocational education or tertiary vocational education at a conservatory and at least five years of professional experience in employment intermediation or in the field for which the employment intermediation is to be permitted.

(9) The recognition of professional qualifications and experience gained outside the Czech Republic is governed by a special legal regulation.

(10) The granting of the permit to a legal person is conditional on the legal person satisfying the condition of no criminal record under Subsection 4, as well as satisfying the conditions under Subsections 2, 4 to 6 and 8 by a natural person who acts as an authorised representative for the purposes of employment intermediation (the "authorized representative"). In the case of a legal person defined by the act on the free movement of services, the granting of the permit for employment intermediation is conditional on satisfying the conditions specified under Subsections 3 to 6 and 8 by the authorized representative. A natural person may be appointed to act as the Authorised Representative for only one legal person. A natural person pursuant to the third sentence must not simultaneously hold a permit for employment intermediation as a natural person.

(11) In the case of natural or legal persons referred to in Section 14(4), the Labour Office is entitled to examine their capacity to provide intermediation activities if there is reason to suspect that there is a serious threat to protected interests or unauthorized provision of intermediation activities. The Office performs reviews in accordance with special legal regulations.

(12) An application for a permit for employment intermediation is submitted to the General Directorate of the Labour Office or through PSCs.

Section 60a [Comment by WK]

(1) In its application for a permit for employment intermediation, a legal person is obliged to indicate:

(a) the identification data of the legal person,
(b) the objects of business,
(c) the form of intermediation (Section 14(1)) for which the application for the permit is filed,
(d) the types of work for which the application for the permit for employment intermediation is filed,
(e) identification data of the Authorised Representative.

(2) A legal person is obliged to attach to the application:

(a) a proof of no criminal record of the Authorised Representative if it is to be a foreign natural person, and a proof of professional competence of the Authorised Representative,
(b) a declaration by the Authorised Representative that the Authorised Representative agrees with the appointment as such,
(c) the address of the workplaces where the intermediation will be carried out.

(3) In its application for a permit for employment intermediation, a natural person is obliged to indicate:

(a) the identification data of the natural person,
(b) the place and objects of business,
(c) the form of intermediation (Section 14(1)) for which the application for the permit is filed,
(d) the types of work for which the application for the permit for employment intermediation is filed.

(4) A natural person is obliged to attach to the application:

(a) a proof of no criminal record of the foreign natural person,
(b) proof of professional competence,
(c) the address of the workplaces where the intermediation will be carried out.

(5) The proof that the conditions specified in Section 60(2) to (5) have been fulfilled must be submitted in a certified copy, unless otherwise provided by the act on the free movement of services. For foreign language documents, it is also necessary to submit their sworn translation into the Czech language, unless otherwise provided by the act on the free movement of services or a promulgated international treaty which has been ratified by the Parliament and is binding on the Czech Republic.

(6) A legal or natural person applying for the permit for employment intermediation is obliged to provide the information under Subsections 1 to 5 when submitting such an application. A legal or natural person is obliged to notify any changes that occur later to the Labour Office within one month. If the Authorised Representative of the legal person changes, it is necessary to present evidence of compliance with the conditions set out under Section 60. When the data specified in the permit for employment intermediation under Section 62(1)(a) and (b) and under Section 62(2)(a) changes, the Directorate General of the Labour Office shall issue a new decision.

(7) In the case of a natural or legal person defined under the act on the free movement of services, the application for the permit for employment intermediation in the form specified under Section 14(1)(b) is filed separately.

(8) The issuance of the permit for employment intermediation is subject to an administrative fee pursuant to a special legal regulation.

Section 61a

The permit for employment intermediation in the form specified under Section 14(1)(a) and (c) of a legal or natural person defined under the act on free movement of services is also created upon the expiry of the time limit in which no decision is made as well as in a manner pursuant to Sections 28 to 30 of the act on the free movement of services.

Section 62 [Comment by WK]
(1) The permit for employment intermediation issued to a legal person shall indicate:

(a) the identification data of the legal person,

(b) the identification data of the Authorised Representative excluding the Authorised Representative’ personal identification number (*in Czech: rodné číslo*) and place of birth,

(c) the form of intermediation and the types of work for which the employment intermediation is to be permitted,

(d) the period for which the permit is issued.

(2) The permit for employment intermediation issued to a natural person shall indicate:

(a) the identification data of the natural person excluding the Authorised Representative’ personal identification number (*in Czech: rodné číslo*) and place of birth,

(b) the form of intermediation and the types of work for which the employment intermediation is to be permitted,

(c) the period for which the permit is issued.

(3) The permit for employment intermediation is issued for a maximum period of 3 years, except for the permit for employment intermediation in the form specified under *Section 14(1)(a) and (c)*, which is issued to legal or natural persons covered by the act on the free movement of services (*in Czech: zákon o svobodě pohybu služeb*) for an indefinite period. The permit for employment intermediation issued for a fixed period may be issued repeatedly.

Section 63 [Comment by WK]

(1) The permit for employment intermediation terminates:

(a) upon the death of the natural person or the dissolution of the legal person,

(b) upon the deletion of the foreign person or a branch of the company of the foreign person from the Commercial Register,

(c) upon the expiration of the period for which it was issued, or

(d) upon the decision of the Directorate General of the Labour Office to revoke the permit.

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

(a) the legal or natural person ceases to meet the conditions specified under *Section 60* for the permit for employment intermediation,

(b) the legal person is punished with prohibition of the activity (*in Czech: vyloučení podnikání*) consisting in employment intermediation,

(c) the legal or natural person intermediates employment in breach of the permit for employment intermediation or good morals, or otherwise breaches the duties under this Act,

(d) the legal or natural person intermediates employment without insurance under *Section 58a* or fails to provide the Directorate General of the Labour Office with a proof of the conclusion of this insurance within 2 months from the date on which the decision to permit employment intermediation became final and enforceable,

(e) the legal or natural person breaches the duty imposed on employment agencies by *Section 308* or *309* of the Labour Code,

(f) the legal or natural person repeatedly fails to comply with the duty to report under *Section 59*,

(g) the legal person intermediates employment at the time when its operations are suspended pursuant to a special act (*in Czech: zákon o svobodě pohybu služeb*)

(h) the legal or natural person so requests.
(3) At the initiative of the Ministry of Interior, the Directorate General of the Labour Office shall initiate proceedings to revoke the permit for employment intermediation of a legal or natural person. In these proceedings, the Ministry of Interior shall issue a new opinion pursuant to Section 60a. If the opinion of the Ministry of Interior is negative, the Directorate General of the Labour Office shall decide to revoke the permit for employment intermediation of the legal or natural person.

(4) If the permit for employment intermediation was revoked for the reasons set out in Subsection 2(a) to (g) and in Subsection 3, the legal or natural person may apply for the permit for employment intermediation no earlier than after 3 years from the date on which the decision to revoke the permit for employment intermediation became final and enforceable.

(5) In its decision to revoke the permit for employment intermediation for reasons under Subsections 2 and 3, the Directorate General of the Labour Office shall determine the date on which the natural or legal person is obliged to terminate the intermediation activity. From the date on which the decision to revoke the permit for employment intermediation was delivered, the legal or natural person whose permit for employment intermediation has been revoked may only carry out those activities which are not contrary to the purpose of the decision.

Section 64 [Comment by WK]

By means of a regulation, the Government may determine the kind of work that the agency may not intermediate in the form of a temporary assignment for work with a user.

Section 65 [Comment by WK]

Records of employment agencies that have been granted permit for employment intermediation are kept by the Labour Office. The records contain the information under Section 62, the address of the employment agency, a list of its workplaces and an indication of whether the employment agency — a legal person has been subject to the suspension of activity consisting in employment intermediation pursuant to a special Act. The publicly accessible part of the records contains information provided under Section 61(1)(a) to (e) and under Section 61(3)(a) to (d) excluding the personal identification number (in Czech: rodné číslo), date and place of birth, address and information about the suspension of the activity consisting in employment intermediation.

Section 66 [Comment by WK]

Employment intermediation through temporary assignment of an employee to work for another legal or natural person

Employment intermediation by an employment agency in accordance with section 14(1)(b) means the conclusion of an employment relationship or an agreement to perform work between a natural person and an employment agency to perform work with the user. An employment agency may temporarily assign an employee to perform work for the user only based on a written agreement on the temporary assignment of an employee concluded pursuant to a special act. The employment agency may not perform the above temporary assignment of an employee who has been granted an employee card, blue card or who has been granted a work permit.

PART THREE

EMPLOYMENT OF PERSONS WITH DISABILITIES,

Section 67 [Comment by WK]

(1) Natural persons with disabilities (the “Persons with Disabilities”) are provided with special protection in the labour market.

(2) Persons with disabilities are natural persons who the social security body recognised to have:

a) a third degree disability (the “person with a serious disability”)  
b) a first degree or second degree disability, or  
c) a physical disadvantage (the “disadvantaged person”).

(3) A disadvantaged person is a natural person who has kept the ability to perform a systematic job or another gainful activity, but the person’s ability to become or remain employed, to carry out the current occupation or use the existing qualifications or to gain new ones is significantly reduced because of its consistently poor health state; however, a
disadvantaged person cannot be a person who is a person with a disability pursuant to Subsection 2(a) or (b).

(4) For the purposes of this Act, a consistently poor health state means a health state that according to medical science should last more than a year and considerably reduces physical, sensory or mental abilities, and thus also the employability.

(5) The natural person proves the fact that he or she is a person with a disability:
(a) by the opinion or confirmation of the social security body in cases under Subsection 2(a) or (b),
(b) by a confirmation or decision of the social security body in the case under Subsection 2(c).

(6) Persons with disabilities under Subsection 2(b) are also understood as natural persons who have been assessed by the social security body to no longer have a disability for a period of 12 months from the date of this assessment.

Section 68 [Comment by WK]

(1) The Regional Branch of the Labour Office keeps records of persons with disabilities to which it provides services pursuant to this Act. The records contain identification data about the person with a disability, information on restrictions concerning the capacity of the person to become employed for health reasons, information on the legal grounds on which the person was recognized as being a person with a disability, and information on the provision of work rehabilitation.

(2) The information from the register of persons with disabilities is intended solely for the purpose of integrating and maintaining these persons in the labour market and for statistical purposes.

(3) The Regional Branch of the Labour Office is obliged, after the termination of the provision of services under this Act or after the natural person ceases to be a person with a disability, make the information relating to the natural person inaccessible until the occurrence of new reasons for further processing.

Work rehabilitation

Section 69 [Comment by WK]

(1) Persons with disabilities are entitled to work rehabilitation. Vocational rehabilitation is provided by the Regional Branch of the Labour Office having territorial competence according to the residence of the person with a disability in cooperation with vocational rehabilitation centres or may, based on a written agreement, entrust the provision of vocational rehabilitation to another legal or natural person.

(2) Vocational rehabilitation is a continuous activity aimed at obtaining and maintaining suitable employment by a person with a disability which, at the person’s request, is provided and the associated costs paid by the Regional Branch of the Labour Office. The application of the person with a disability includes the person’s identification information; the application also includes a document certifying that the person is a person with a disability.

(3) Vocational rehabilitation primarily encompasses consultancy focused on career choice, the choice of employment or another gainful activity, theoretical and practical training for employment or another gainful activity, intermediation, maintaining and changing employment, changing careers and creating suitable conditions for the performance of employment or another gainful activity.

(4) The Regional Branch of the Labour Office in cooperation with a person with a disability shall develop an individual plan for vocational rehabilitation with regard to the person’s health capacity, ability to perform a systematic job or another gainful activity and having regard to the situation on the labour market; in doing so, it shall rely on the opinion of a specialized working group (Section 7(3)).

(5) Based on the recommendation of the attending physician issued on behalf of the healthcare service provider, vocational rehabilitation may be assigned to natural persons who are recognized as being temporarily unable to work and, based on the recommendation of the District Social Security Administration issued as part of the control medical examination, also to natural persons who are no longer persons with disabilities. The assignment of vocational rehabilitation to these natural persons may not be in conflict with their health capacity; the Regional Branch of the Labour Office is obliged to notify the assignment in writing to the competent District Social Security Administration stating the commencement date, the place, the daily content and the overall duration of vocational rehabilitation and notify in writing of its termination within 5 calendar days.
(6) Persons with disabilities who attend vocational rehabilitation outside employment are governed by Sections 101, 245 and 246 of the Labour Code; the provisions of Sections 103 to 106 of the Labour Code and Sections 2 to 8 of the act on further conditions to ensure occupational safety and health shall apply with necessary modifications.

(7) The Ministry shall issue an implementing regulation determining the content of the individual plan of vocational rehabilitation, the type of costs associated with the implementation of vocational rehabilitation and the manner of their payment.

Section 70 [Comment by WK]

The agreement on the provision of vocational rehabilitation pursuant to Section 69(1) between the Labour Office and the legal or natural person includes:

(a) the identification data of the parties to the agreement,
(b) the identification data of the person with a disability for whom the vocational rehabilitation is intended,
(c) the content and duration of vocational rehabilitation,
(d) the place and manner of vocational rehabilitation,
(e) the manner, amount and conditions for the payment of the costs to provide for the vocational rehabilitation,
(f) the manner to check compliance with the agreed conditions,
(g) the manner to verify the knowledge and skills acquired,
(h) the conditions and the date of settlement of the payment of costs provided to ensure vocational rehabilitation programme,
(i) the obligation of a natural or legal person to return any payment of costs or its proportion in the case of non-compliance with the agreed conditions or if it was provided wrongfully or in a higher amount due to the person being at fault, and the deadline for repayment,
(j) an arrangement on the termination of the agreement.

Section 71 [Comment by WK]

Theoretical and practical training for employment or another gainful activity of persons with disabilities encompasses:

(a) training for future career pursuant to special legal regulation,
(b) job training,
(c) specialized retraining courses.

Section 72 [Comment by WK]

(1) Job training is a targeted activity that aims to train a person with a disability for a suitable job and to acquire knowledge, skills and habits essential for the performance of the chosen employment or another gainful activity. This training lasts no more than 24 months.

(2) Job training for persons with disabilities is carried out:

(a) in the workplaces of the person’s employer personalised with regard to the health of that person; job training can be carried out with the aid of an assistant,
(b) in sheltered jobs of a legal or natural person, or
(c) in educational institutions of the state, territorial self-governing units, churches and religious organizations, civic associations and other legal and natural persons.
(3) The job training is subject to a written agreement concluded between the Labour Office and the person with a disability; it contains:

(a) the identification data of the parties to the agreement,
(b) the content of the job training,
(c) the time and place of the job training,
(d) how it is ensured and how the knowledge and skills acquired are tested,
(e) an arrangement on the termination of the agreement.

(4) A proof of completion of job training is a certificate issued by the legal or natural person where the job training took place.

(5) The person with a disability who does not receive health insurance benefit, old-age pension or salary or its compensation is entitled to receive retraining benefit during the attendance to job training on the basis of the decision of the Regional Branch of the Labour Office. The person is entitled to retraining support even if the person is not registered in the register of job seekers.

Section 73 [Comment by WK]

(1) The Labour Office may pay the costs of job training for persons with disabilities incurred by an employer who carries out job training for these persons at the employer’s workplace. The job training taking place at the employer’s workplace (Section 72(2)(a)) is subject to a written agreement concluded between the Labour Office and the employer; the agreement contains:

(a) the identification data of the parties to the agreement,
(b) the identification data of the person with a disability for whom the job training is intended,
(c) the content and duration of the job training,
(d) the manner, amount and conditions for the payment of the costs for job training,
(e) the period for which the job training takes place with the aid of an assistant,
(f) the manner to check compliance with the agreed conditions,
(g) the conditions and the date of settlement of the payment of costs of the job training,
(h) the manner to verify the knowledge and skills acquired,
(i) the obligation of the employer to return any payment of costs or its proportion in the case of non-compliance with the agreed conditions or if it was provided wrongfully or in a higher amount due to the employer being at fault, and the deadline for repayment,
(j) an arrangement on the termination of the agreement.

(2) The job training taking place on the premises of the natural or legal person (Section 72(2)(b) and (c)) is subject to a written agreement concluded between the Labour Office and the person; in addition to the data referred to in Subsection 1, the agreement also contains:

(a) the identification of the work for which job training is taking place,
(b) the basic qualification and health requirements needed for the job training,
(c) the place where and manner in which the job training will take place,
(d) the scope of theoretical and practical training.
(3) Compensation for damage to be provided in connection with the job training taking place pursuant to Section 2(2)(b) and (c) is governed by the Civil Code.

Section 74 [Comment by WK]

(1) For persons with disabilities, specialized retraining courses can be organized. These courses are conducted under the same conditions as retraining (Section 109).

(2) The person with a disability who does not receive health insurance benefit, old-age pension or salary or its compensation is entitled to retraining benefit during the period when these courses take place on the basis of a decision of the Regional Branch of the Labour Office. The person is entitled to retraining support even if the person is not registered in the register of job seekers.

Protected job

Section 75 [Comment by WK]

(1) A protected job is a job created by the employer for a person with a disability on the basis of a written agreement with the Labour Office. The creation of a protected job is subject to an allowance provided by the Labour Office to the employer. A protected job must be filled for a period of 3 years. A protected job can also be a job that is filled by a person with a disability if it is defined in a written agreement between the employer and the Labour Office. The Agreement is concluded for a period of 3 years.

(2) The agreement under the first or fourth sentence of Subsection 1 may not be concluded with an employer if, in the 12 months prior to the date of application under Subsection 7:

(a) the employer made deductions from the employee’s salary pursuant to Section 78(2)(b) or (c),

(b) if criminal prosecution has been initiated against the employer based on charges of fraud pursuant to another legal regulation related to the provision of allowance for the employment of persons with disabilities pursuant to Section 78,

(c) a final and enforceable fine for an administrative delict or an administrative infraction in the field of employment or labour inspection has been imposed on the employer, or

(d) the employer has been repeatedly subject to legitimate complaints for breach of duties under the Labour Code.

(3) The agreement under the first or fourth sentence of Subsection 1 may not be concluded with an employer whose previous activity does not indicate any benefit for the employment of persons with regard to the nature of their disability in the labour market.

(4) The Ministry may, in special cases deserving special attention, waive the condition set out in Subsection 2(c) unless the amount of the fine exceeds CZK 50,000.

(5) The allowance for the creation of a protected job for a person with a disability may amount to no more than eight times (and in the case of a person with a severe disability no more than twelve times) the average national wage for the first to the third quarter of the previous calendar year. If an employer creates 10 or more protected jobs under a single agreement with the Labour Office, the allowance for the creation of a protected job for a person with a disability may amount to no more than ten times (and in the case of a person with a serious disability no more than fourteen times) the above average wage.

(6) The allowance is granted on the condition that in its tax records the employer has no tax arrears as reported by the tax or customs office, it has no arrears on premiums and penalties for public health insurance or arrears on premiums and penalties for social security and state employment policy contributions, with the exception of cases where the employer has been allowed to make payments by instalments and is not in delay with the payment of such instalments or where tax postponement has been allowed. The allowance shall not be provided to the employer for a period of 3 years from the date on which the decision to impose a fine for allowing illegal work under Section 5(e)(3) became final and enforceable.

(7) An application for the establishment of a protected job or the application for the definition of a protected job contains:

(a) the identification data of the employer,
(b) the place and objects of business and

c) the characteristics of protected jobs and their number.

(8) The application for the creation of a protected job must be accompanied by a proof that an account has been opened with a financial institution. The proof of compliance with the condition set out in Subsection 6 is ensured by the Labour Office itself pursuant to Section 147b subject to the employer’s written consent and subject to the tax or customs office for this purpose relieving the competent District Social Security Administration or the competent health insurance company of the duty to maintain confidentiality towards the Labour Office. If the employer proves compliance with the condition under Subsection 6 by attaching the proof itself, the proof may not be older than 30 days before the date of the application under Subsection 7 and the data contained therein must match the actual situation as of the day on which it was issued. The Labour Office may also require the submission of additional documentation if it is necessary to consider the application. When considering the application, the Labour Office also relies on other facts, particularly the labour market situation and the structure of other allowances and grants provided to the employers from public budgets in order to avoid overlapping of allowances and grants provided for the same purpose.

(9) The agreement on the creation of a protected job contains:

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

(b) characteristics of a protected job,

(c) the employer’s obligation that a protected job will be filled by a person with a disability,

(d) the date from which the protected job is filled by a person with a disability,

(e) the period for which a protected job is filled with a person with a disability, including the date by which the period for the filling of the job must be fulfilled,

(f) the amount of the allowance, its specification and the manner of payment,

(g) the conditions under which the allowance is provided,

(h) the manner to prove how the agreed conditions are met,

(i) the terms and dates of the accounting of the allowance provided,

(j) the obligation of the employer to repay the allowance or its proportionate part if it was provided wrongfully or in a higher amount due to the employer being at fault, and the deadline for the repayment of the allowance,

(k) employer’s obligation to immediately repay the allowance if it had been provided to the employer within 12 months prior to the date on which the decision to impose a fine for allowing illegal work under Section 5(e)(3) became final and enforceable, and the deadline for the repayment of the allowance, and

(l) an arrangement on the termination of the agreement.

Depending on the characteristics of the protected job being created, the agreement may also stipulate other arrangements in which the parties are interested.

(10) In the agreement, the Labour Office is obliged to distinguish conditions for the provision of the allowance, whose non-fulfilment is not a violation of budgetary discipline, and conditions whose non-fulfilment will result in a deduction pursuant to a special regulation.

(11) The failure to repay the allowance by the specified deadline is a violation of budgetary discipline.

(12) The Labour Office may also conclude an agreement on the creation of a protected job with a person with a disability who has decided to become self-employed. The provision of this allowance shall be governed by Subsections 1 to 10 by analogy; however the repayment of the allowance cannot be required if the person ceases to be self-employed for health reasons or in case of the person’s death.

(13) The Labour Office may conclude the agreement on the definition of a protected job with an employer or a person with a disability who is self-employed. The agreement between the Labour Office and an employer contains the information under Subsection 9(a) to (c), (e), (h) and (l), the agreement between the Labour Office and a self-employed person contains the information under Subsection 9(a) and (b), (e), (h) and (l).
Section 76 [Comment by WK]

(1) Based on an agreement with the employer or self-employed person who is a person with a disability, the Labour Office may also provide an allowance for a created or defined protected job to partially cover the operating costs of the protected job.

(2) The allowance to partially cover the operating costs of a protected job shall be granted subject to the fulfilment of the condition under Section 75(6). The total amount of the allowance per year may not exceed CZK 48,000. The allowance shall not be provided to the employer for a period of 3 years from the date on which the decision to impose a fine for allowing illegal work under Section 5(e) became final and enforceable.

(3) The allowance to partially cover the operating costs of a protected job shall not be provided to a job created or defined:

(a) outside the employer’s workplace,

(b) for an employee in an employment relationship who is a disadvantaged person, or

(c) by an employer which is an employment agency, if the job is filled by an employee who is a person with a disability and the employee is temporarily assigned to a user to perform work.

(4) The application for an allowance to partially cover the operating costs of a protected job contains:

(a) the identification data of the employer,

(b) the place and objects of business and

(c) a list of protected jobs and their number.

(5) The application for an allowance to partially cover the operating costs of a protected job must be accompanied by a proof that an account has been opened with a financial institution. The proof of compliance with the condition set out in Section 75(6) is ensured by the Labour Office itself pursuant to Section 147b subject to the employer’s written consent and subject to the tax or customs office competent for this purpose relieving the competent District Social Security Administration or the competent health insurance company of the duty to maintain confidentiality towards the Labour Office. If the employer proves compliance with the condition under Section 75(6) by attaching the proof itself, the proof may not be older than 30 days before the date of the application under Subsection 4 and the data contained therein must match the actual situation as of the day on which it was issued. The Labour Office may also require the submission of additional documentation if it is necessary to consider the application.

(6) The agreement for the provision of the allowance contains information under Section 75(9)(a), (f) to (l) and Subsection 10.

Section 77 [Comment by WK]

(1) The Ministry shall issue an implementing regulation providing for the characteristics of a protected job, the types of operating costs of a protected job necessary for the operation of a protected job for which an allowance under Section 76 can be provided and the manner of providing the allowance and other facts relevant to the conclusion of the agreement on the creation or definition of a protected job.

(2) The amount of the average wage for the first to the third quarters of the previous calendar year is based on data from the Czech Statistical Office and announced by the Ministry by publication in the Official Journal.

Section 78 [Comment by WK]

Allowance to encourage employment of persons with disabilities at a protected job

(1) An employer that employs in protected jobs (Section 75) more than 50% of persons with disabilities of the total number of its employees shall be granted an allowance to support the employment of these persons by partially covering the labour and other costs. The Regional Branch of the Labour Office competent to provide the allowance is the Regional Branch of the Labour Office in whose district the registered office of an employer – legal entity is located, or in whose district the employer – a natural person resides.
The allowance compensates labour costs actually incurred at a monthly rate of 75% of the labour costs actually incurred on an employee in an employment relationship who is a person with a disability, including social security premiums, state employment policy contributions and public health insurance premiums, which the employer has deducted from the assessment basis of that employee, but no more than CZK 8,000 in the case of a person with a disability under Section 67(2)(a) or (b) and no more than CZK 5,000 in the case of a disadvantaged person. For the purposes of determining the amount of the allowance, the labour costs actually incurred are reduced by an amount equivalent to:

(a) provided wages in kind,

(b) deductions from wages made to satisfy the performance of the employer pursuant to the Civil Code, except the deductions made to cover damage for which the employee is responsible, or the employee contribution for canteen meals pursuant to Section 236 of the Labour Code,

(c) deductions from wages or salary made to satisfy the employee’s obligations under Section 146(b) of the Labour Code if the deduction from wage is contrary to good morals, or

(d) wage compensation provided to the employee in the case of obstacles to work attributable to the employer.

(3) In the allowance application, the employer may assert the claim for an increase in the allowance by the amount corresponding to the additional costs incurred by the employer in the employment of the person with a disability in the calendar quarter for which the allowance is applied for, but for no more than CZK 2,000 per month per employee who is a person with a disability under Section 67(2)(a) or (b), and no more than CZK 1,000 per month if the person is a disadvantaged person. Increase in the allowance under the first sentence does not apply to protected jobs created or defined outside the workplace of the employer or to an employment agency employee who is a person with a disability and is temporarily assigned to a user to perform work.

(4) The allowance is provided quarterly in arrears based on a written application filed by the employer, which must be delivered to the Regional Branch of the Labour Office no later than by the end of the calendar month following the expiry of the relevant calendar quarter. The allowance is provided on condition that as of the last day of the respective calendar quarter, the employer has no records of tax arrears with the competent financial or customs office, has no arrears on premiums and penalties for social security and state employment policy contributions and premiums and penalties for public health insurance, except where:

(a) the employer has been allowed to make payments by instalments and is not in delay with the payment of such instalments or where tax postponement has been allowed, or

(b) the sum of all outstanding arrears of the employer on the last day of the respective calendar quarter does not exceed CZK 10,000 and the employer paid these arrears by the 15th day of the calendar month following the calendar quarter for which the employer applies for the allowance, or paid them within 5 working days from the date on which the employer learned of these arrears from the Regional Branch of the Labour Office where the Labour Office found out the information on the arrears under Section 147b itself, subject to the employer’s consent and subject to the employer relieving for this purpose the competent tax or customs office of the duty to maintain confidentiality towards the Labour Office; the employer is obliged to prove the payment of the arrears to the Regional Branch of the Labour Office.

The allowance shall not be provided to the employer for a period of 3 years from the date on which the decision to impose a fine for allowing illegal work under Section 5(e)(3) became final and enforceable.

(5) The application shall include:

(a) a proof of the total average number of employees in full-time equivalent units, employees who are persons with disabilities and employees who are persons with a serious disability,

(b) a list of names of employees who are persons with disabilities and employees who are persons with serious disabilities, providing their personal identification number (in Czech: rodné číslo), date of creation and termination of employment, health insurance company code, labour costs incurred, including social security premiums and state employment policy contributions and public health insurance premiums, and

(c) a proof that the employee subject to the allowance application is a person with a disability (Section 67). In the case of a repeated provision of this allowance, the proof of this fact must form part of the application only if the fact changes.

(6) If several employers apply for the allowance, the allowance is provided to the employer with whom the employee who is a person with a disability established the employment relationship first. If this employment relationship ends during the calendar quarter, the proportionate part of the allowance is provided to the other employer who applied for it; if several employers applied for the allowance, the first sentence applies. If an employee who is a person with a
disability establishes on the same day an employment relationship with several employers who have applied for the allowance, the allowance for this employee may not be provided to neither of them. If an employee who is a person with a disability establishes several employment relationships with the same employer, the employer is entitled to the allowance in the monthly amount specified under Subsection 2. For the purposes of determining the amount of the allowance, the actual labour costs, including social security premiums, State employment policy contributions and public health insurance premiums, which the employer has deducted from the assessment basis of this employee in all that employment relationships are added together.

(7) The allowance may not be provided to employees with disabilities:

(a) for the quarter in which the employee is subject to the provision of another allowance by the Labour Office, the amount of which is determined on the basis of actual labour costs, including social security premiums, State employment policy contributions and public health insurance premiums, which the employer has deducted for itself from the assessment basis of this employee, or the allowance concerning the transition to a new entrepreneurial programme (Section 117),

(b) for the quarter in which the employee who is a person with a disability was receiving old-age pension,

(c) for the quarter in which the employee was employed in a protected job for which allowance are provided to partially cover the operating costs of the protected job,

(d) for the quarter in which the employee whose employment contract stipulates the place of work to be outside the employer’s workplace did not agree to an inspection at the place where the employee performs work (Section 126(3)), or

(e) for the quarter in which an employment agency employee who is a person with a disability was temporarily assigned to a user to perform work.

(8) Regional Branch of the Labour Office issues a decision on:

(a) the provision of an allowance if the employer meets the conditions for the allowance under Subsections 1 and 4,

(b) denying the allowance where the conditions specified in Paragraph (a) have not been met,

(c) denying part of the allowance in the amount equivalent to the labour costs incurred, including social security premiums, State employment policy contributions and public health insurance premiums of employees for which the employer does not demonstrate that they are persons with disabilities or who not be provided with the allowance pursuant to Subsection 6 or 7; the conditions under Paragraph (a) must be met at the same time,

(d) denying the allowance or its part in the amount equivalent to the unpaid wage and undeducted insurance on the date of the application, or

(e) denying the increase in the allowance under Subsection 3 or its part if additional costs are not demonstrably related to the employment of persons with disabilities,

(f) denying the allowance if the employer was fined for allowing illegal work under Section 5(e)(3), and no more than three years have lapsed from the date on which the decision imposing the fine became final and enforceable.

(9) The allowance is payable no later than 14 calendar days from the date on which the decision becomes final and enforceable.

(10) The employer is obliged to transfer the allowance or its proportionate part through the Labour Office to the State budget within the prescribed time limit, if, based on incorrect data, it was paid to the employer wrongfully or in an incorrect amount; similarly, the employer is obliged to return the allowance if it had been provided to the employer within 12 months prior to the date on which the decision imposing a fine for allowing illegal work under Section 5(e)(3) became final and enforceable. The failure to comply with these obligations is a violation of budgetary discipline 461.

(11) The average number of employees in full-time equivalent units per calendar quarter is relevant to determine the fulfilment of the condition requiring the employment of more than 50% of persons with disabilities in the total number of employees under Subsection 1.

(12) The method of the calculation of the average number of employees in full-time equivalent units and employees who are persons with disabilities for the calendar quarter and the kinds of additional costs which are included in the allowance under Subsection 3 shall be determined by the Ministry in an implementing regulation.
Upon a written and reasoned application of the employer, the Ministry may, in exceptional cases deserving special consideration, waive the condition set out in Subsection 4(b) in terms of the amount of the sum of all outstanding arrears of the employer. The application must be delivered to the Ministry by the end of the second calendar month following the end of the calendar quarter for which the allowance is applied for.

The rights and duties of employers and cooperation with the Labour Office

Section 79

Employers are entitled to request the Regional Branches of the Labour Office to provide them with:

(a) information and advice on issues related to the employment of persons with disabilities,

(b) cooperation in defining jobs particularly suitable for people with disabilities,

(c) cooperation in creating suitable jobs for people with disabilities,

(d) cooperation in addressing individualisation of jobs and working conditions for persons with disabilities.

Section 80

Employers are obliged to:

(a) extend the employment opportunities for persons with disabilities according to their conditions and in cooperation with the physician of the provider of occupational and medical services by individualisation of jobs and working conditions and reservation of jobs for persons with disabilities,

(b) cooperate with the Regional Branch of the Labour Office in providing work rehabilitation,

(c) keep records of employed persons with disabilities; the records contain information concerning the reason for which the person was recognized as a person with a disability (Section 67(2)),

(d) keep records of jobs reserved for persons with disabilities.

Section 81

(1) Employers with more than 25 employees in an employment relationship are obliged to employ a mandatory share of persons with disabilities in the total number of employees. The mandatory share is 4%. In the case of employers – employment agencies pursuant to Section 14(3)(b), the total number of employees in an employment relationship excludes employees who are temporarily assigned to a user to perform work.

(2) Employers fulfil the obligation under Subsection 1 by:

(a) employing persons in an employment relationship,

(b) purchasing products or services from employers employing more than 50% of employees in created or defined protected jobs (Section 75) who are persons with disabilities, or awarding contracts to such employers, or purchasing products or services from persons with disabilities who are self-employed and have no employees, or awarding contracts to such persons, or

(c) payment to the State budget,

or a combination of the methods under Paragraphs (a) to (c).

(3) Employers and self-employed persons under Subsection 2(b) may, for the purpose of fulfilling the obligation under Subsection 1, provide in a calendar year its products and services or fulfill awarded contracts only to an amount equivalent to 36 times the national average wage for the first to third quarters of the preceding calendar year for each employee with a disability in full-time equivalent units employed in the previous calendar year. The employers must keep records of the performances provided, such records containing identification data of the customer, the price of delivered products, services or contracts awarded excluding value added tax, the date of the delivery of products, services or contracts award and the number of the document on the basis of which the products, services or contracts were delivered.

(4) The average annual number of employees in full-time equivalent is decisive to determine the total number of employees, the total number of employees who are persons with disabilities and the mandatory share.
(5) The method of calculating the annual average number of employees in full-time equivalent, the method of reaching the total amount of products and services provided or contracts awarded and the method of calculating the compliance with the mandatory share shall be determined by the Ministry in an implementing regulation.

Section 82

(1) The amount of the payment to the State budget under Section 81(2)(c) for each person with a disability required to be employed by the employer is 2.5 times the national average monthly wage for the first to third quarters of the calendar year in which the duty to comply with the mandatory share of persons with disabilities was created. The amount of the average wage for the first to the third quarters is based on data from the Czech Statistical Office and announced by the Ministry by publication in the Official Journal.

(2) The employer shall make the payment to the State budget pursuant to Subsection 1 by 15 February of the following year to the State budget through the Labour Office.

(3) If the employer fails to fulfil the obligation under Section 81(1), the Regional Branch of the Labour Office shall oblige the employer to make the payment to the State budget under Subsection 1 by a decision pursuant to the Tax Code.

(4) The payment to the State budget is enforced by the customs office having territorial competence according to the registered office of the employer.

Section 83

The employer is obliged to notify the fulfilment of the mandatory share of employees with disabilities, including the manner of the fulfilment, in writing by 15 February of the following year to the Regional Branch of the Labour Office in whose territorial district the employer – a legal person has its registered office or the employer – a natural person has residence. In the notification under the first sentence, the employer is obliged to provide the Regional Branch of the Labour Office with the identification data of the employer from which the products or services were purchased or which was awarded contracts, the price of purchased products, services or awarded contracts excluding the value added tax, the date of the purchase of products, services or the award of contracts and the number of the document based on which the products, services, or orders were purchased.

Section 84

repealed

PART FOUR

EMPLOYMENT OF FOREIGN NATIONALS

TITLE I

DUTY OF EMPLOYERS TO NOTIFY EMPLOYMENT OF FOREIGN NATIONALS

Section 85

For the purposes of employment of foreign nationals in accordance with this Act, a foreign national is not considered to include a citizen of the European Union and their family members (Section 3(2)) and a family member of a citizen of the Czech Republic under Section 3(3).

Section 86

An employer who intends to fill a job vacancy with a foreign national on the basis of a work permit, employee card or blue card is obliged to report such a job vacancy which can be filled by a foreign national to the Regional Branch of the Labour Office in whose territorial district the work is to be performed, including a basic description of the job (Section 37).

Notification duty of the employer

Section 87
(1) If an EU citizen, the EU citizen’s family member (Section 3(2)), a family member of a citizen of the Czech Republic under Section 3(3), a foreign national under Section 98(a) to (e) and (j) to (r), who does not require a work permit or a foreign national who requires a work permit, employment card or blue card commence employment, the employer or the legal or natural person who has entered into a contract with a foreign employer under which these persons were sent to the Czech Republic to perform the tasks arising from this contract are obliged to notify this fact in writing to the competent Regional Branch of the Labour Office no later than on the day on which these persons commence work. A similar obligation applies in cases where a fact occurs during the term of the employment which causes the foreign national to no longer need the work permit, employment card or blue card; this notification duty must be fulfilled within 10 calendar days after the occurrence of the fact which causes that the work permit, employment card or blue card is no longer required.

(2) The written notification includes information kept in the records which the employer is obliged to keep pursuant to Section 102(2). The employer or the legal or natural person who has entered into a contract with a foreign employer on the basis of which these persons were sent to the Czech Republic to carry out the tasks arising from this contract is obliged to notify any change to this information within 10 calendar days after the date on which the change occurred or became known to the employer or person.

(3) The employer or a legal or natural person who has entered into a contract with a foreign employer on the basis of which the persons under Subsection 1 were sent to the Czech Republic to carry out the tasks arising from this contract is obliged to notify the competent Regional Branch of the Labour Office of the termination of their employment or sending no later than within 10 calendar days.

Section 88 [Comment by WK]

(1) The employer is obliged to notify in writing the competent Regional Branch of the Labour Office if the foreign national who has been granted a work permit, employment card or blue card:

(a) failed to commence work, or

(b) terminated employment before the expiry of the period for which the work permit, employee card or blue card was issued, and if the employment was terminated by a notice for any of the reasons specified in Section 52(a) to (e) of the Labour Code or by agreement for the same reasons or immediate termination under Section 56 of the Labour Code, and the reason for the termination of employment.

(2) The employer must fulfil the notification duty under Subsection 1(a) in the case of a foreign national who has been granted employment card or blue card within 45 calendar days after the date of compliance with the conditions for the issuance of employee card or blue card, and in the case of a foreign national who has been granted a work permit under Section 92 within 10 calendar days from the date on which the foreign national was to commence the job. The employer must fulfil the notification duty under Subsection 1(b) within 10 calendar days from the day on which the foreign national terminated the job.

TITLE II

WORK PERMIT OF A FOREIGN NATIONAL

Section 89 [Comment by WK]

(1) A foreign national may become and be kept employed if the foreign national is the holder of a valid employee card or blue card, unless otherwise provided for in this Act.

(2) A foreign national may also become and be kept employed if the foreign national has a valid work permit issued by the Regional Branch of the Labour Office and a valid permit to reside in the Czech Republic issued pursuant to the act on the residence of foreign nationals in the territory of the Czech Republic. For these purposes, employment is also understood as the performance of tasks arising from the objects of business of a legal person provided for by a partner, governing body or by a member of a governing or other body of a company for the company or by a member of a cooperative or by a member of a governing or another body of a cooperative for the cooperative.

(3) A foreign national who has been granted a certificate of compliance with the conditions for the issuance of an employee card or blue card may become and be kept employed from the date of this certificate to the date of termination of proceedings concerning the foreign national’s application for employee card or blue card.

((4) A work permit may not be issued or renewed if the foreign national holds an employee card, blue card or a
long-term residence permit for purposes other than employment, issued pursuant to the act on the residence of foreign nationals in the territory of the Czech Republic; this does not apply in the case of a holder of a long-term residence permit for business purposes, a foreign national who may become and be kept employed pursuant to Subsection 2, or a foreign national under Sections 95 to 97.

Section 90 [Comment by WK]

A foreign national applies for the work permit in writing with the Regional Branch of the Labour Office usually before the arrival in the Czech Republic, either himself or through the employer with whom the foreign national will be employed, or through a legal or natural person who has entered into a contract with a foreign employer on the basis of which the persons referred to in Section 87(1) are to be sent to the Czech Republic to carry out the tasks arising from this contract.

Section 91 [Comment by WK]

(1) The application for a work permit contains:

(a) the identification data of the foreign national,

(b) the address in the country of permanent residence and mailing address,

(c) the passport number and the name of the body that issued it,

(d) the identification data of the future employer,

(e) the type of work, place of work and the period for which the foreign national is to be employed,

(f) other data necessary to perform the employment.

(2) The following is to be attached to the application for a work permit:

(a) the employer’s statement that it will employ the foreign national,

(b) documents certifying the professional competence to perform the required work,

(c) other documents if it follows from the nature of the job or it is provided by an international treaty ratified by the Parliament and binding on the Czech Republic.

(3) The documents under Subsection 2 are submitted in their original language and in an officially certified translation into the Czech language.

Section 92 [Comment by WK]

(1) The Regional Branch of the Labour Office will issue a work permit on condition that:

(a) it is a notified job vacancy (Section 86) and

(b) with regard to the required qualification or lack of available labour force the job vacancy cannot be filled otherwise; this condition is not required for a work permit under Sections 95 and 97.

(2) The Regional Branch of the Labour Office issues a decision on the work permit. The permit is issued for a period of no more than 2 years.

(3) The work permit contains:

(a) the identification data of the foreign national,

(b) place of work,

(c) type of work,

(d) the identification of the employer with whom the foreign national will perform employment,
(e) the period for which it is issued,

(f) other data necessary to perform the employment.

Section 93 [Comment by WK]

The employer may send a foreign national who holds a blue card, employee card or was granted a work permit on a business trip pursuant to Section 42 of the Labour Code if it corresponds to the nature of the work the foreign national performs for which blue card, employment card or work permit was granted.

Section 94 [Comment by WK]

(1) The Regional Branch of the Labour Office may extend the validity of a foreign national's work permit at the foreign national’s request, even repeatedly, but always for a maximum period of 2 years. The foreign national is entitled to apply with the competent Regional Branch of the Labour Office for the extension of the validity of a work permit no earlier than 3 months and no later than 30 days before the expiry of the work permit. When extending a work permit pursuant to Section 96, the Regional Branch of the Labour Office takes account of the situation in the labour market.

(2) The application for an extension of a work permit contains the same particulars as the application for a work permit (Section 91(1)). The application must be accompanied by the employer’s statement that it will continue to employ the foreign national.

(3) The Regional Branch of the Labour Office issues a decision on the extension of the work permit.

(4) The issuing of an employee card under Section 42g(6) of the act on the residence of foreign nationals in the territory of the Czech Republic to a foreign national who is a holder of long-stay visa issued pursuant to the act on the residence of foreign nationals in the territory of the Czech Republic, or the extension of an employee card is conditional on a consenting binding opinion of the Regional Branch of the Labour Office issued at the request of the Ministry of Interior. When issuing a binding opinion, the Regional Branch of the Labour Office takes account of the situation on the labour market.

Section 95 [Comment by WK]

(1) A work permit is also required if a foreign national whose employer is a foreign entity and who has entred into a contract with a Czech legal or natural person is to be sent by the foreign national’s employer to work in the Czech Republic to carry out the tasks arising from the contract.

(2) Before the conclusion of the contract which forms the basis on which foreign nationals are sent to work in the Czech Republic to carry out the tasks arising from this contract, the Czech legal or natural person is required to consult in particular the numbers and professions of the workers being sent and the duration of their stay with the Regional Branch of the Labour Office.

(3) The application for a work permit for foreign nationals being sent is filed by the legal or natural person who has entered into a contract with a foreign employer under which the foreign nationals will be sent to the Czech Republic to carry out the tasks arising from this contract. This person is responsible for ensuring that the foreign nationals have valid work permits and residence permits for the duration of their stay.

(4) If the content of the contract under Subsection 1 is temporary assignment of the foreign national to work for a user, the Regional Branch of the Labour Office does not issue the work permit (Section 66).

Section 96 [Comment by WK]

A work permit is also required if the foreign national is a seasonal employee employed in activities dependent on the passing of seasons, but for a maximum period of 6 months in a calendar year, provided that at least 6 months pass between individual employments in the Czech Republic.

Section 97 [Comment by WK]

A work permit is also required in the case of a foreign national:

(a) to be employed for a limited period in order to improve the foreign national’s skills and qualifications in a selected job
(traineeship), but for no more than 6 months. This period may be extended, but for no longer than the period required to obtain professional qualifications pursuant to regulations applicable in the Czech Republic,

(b) of up to 26 years of age employed in occasional and time-limited work as part of exchange between schools or youth programmes which the Czech Republic joined,

(c) where so provided in an international treaty ratified by the Parliament and binding on the Czech Republic,

(d) who has been granted a visa for the purpose of sufferance of the foreign national’s stay or a permanent residence permit issued for the same purpose,

(e) who is the applicant for international protection or who has been granted a visa for over 90 days for the sufferance of stay, but no earlier than 6 months after the date on which application for asylum was filed.

Section 98 [Comment by WK]

Work permit, employment card or blue card is not required under this Act for the employment of a foreign national:

(a) with a permanent residence permit,

(b) who is a family member of a member of a diplomatic mission, consular body or a family member of an employee of an international governmental organization residing in the territory of the Czech Republic, if a promulgated international treaty ratified by the Parliament and binding on the Czech Republic provides for reciprocity,

(c) has been granted asylum or subsidiary protection,

(d) whose performance of work in the Czech Republic does not exceed 7 consecutive days or a total of 30 days in a calendar year and if the foreign national is simultaneously a performer, teacher, academic worker of a university, science, research or development worker attending a scientific meeting, a pupil or student up to 26 years of age, an athlete or person providing the supply of goods or services in the Czech Republic or supplying those goods or performing assembly on the basis of a commercial contract, or performing warranty and repair work,

(e) where so provided in an international treaty ratified by the Parliament and binding on the Czech Republic,

(f) who is a member of a rescue unit and provides aid under an international treaty on mutual aid in eliminating the consequences of accidents and natural disasters, and in cases of humanitarian aid,

(g) employed in international transport if sent to the Czech Republic by the foreign national’s employer,

(h) accredited in the media sector,

(i) who is a military or civilian staff of the armed forces of the sending State under a special act,

(j) who is undergoing a systematic training for a future career in the Czech Republic (Section 5),

(k) who was sent to the Czech Republic as part of the provision of services by the employer established in another Member State of the European Union,

(l) who stays in the Czech Republic on the basis of a long-term residence permit for the purpose of family reunification in the case of family reunification with a foreign national under Paragraphs (a) or (c) or with a foreign national who stays in the Czech Republic based on a valid long-term residence permit,

(m) who stays in the Czech Republic on the basis of a long-term residence permit of a resident of another Member State of the European Union,

(n) who performs systematic educational or scientific activity in the Czech Republic as an educator or academic worker of a university or a science, research or development worker in a public research institution or another research organization under a special legal regulation,

(o) who received secondary or tertiary vocational education or tertiary vocational education at a conservatory pursuant to the Education Act or university education pursuant to the Higher Education Act.
(p) who stays in the Czech Republic on the basis of a long-term residence permit for the purpose of protection under the act on the residence of foreign nationals in the territory of the Czech Republic, or

(r) who is a clergyman of a church registered in the Czech Republic or of a religious society registered in the Czech Republic.

Section 98a

Work permit, employment card or blue card is also not required under this Act if the foreign national is sent to the Czech Republic by the foreign national’s foreign employer on the basis of a contract with a Czech legal or natural person solely for the purpose of improving the skills and qualifications of the foreign national required for the performance of work for this foreign employer outside the Czech Republic. The Czech legal or natural person shall notify the competent Regional Branch of the Labour Office of the sending of the foreign national under the first sentence.

Section 99

A work permit may not be granted to a foreign national who:

(a) applied for international protection for a period of 12 months from the date on which the foreign national filed the application for international protection;

(b) does not meet any of the conditions set out in this Act for issuing a work permit.

Section 100

(1) The validity of the work permit expires:

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

(b) upon the termination of employment before the expiry of the period for which it was issued,

(c) upon the expiration of the period for which the foreign national’s residence was permitted, or

(d) denial, cancellation or termination of the right of residence for the purpose of employment for another reason.

(2) The Regional Branch of the Labour Office may decide to withdraw a work permit if the employment is performed in conflict with the issued work permit, with the exception of the performance of another employment as a result of transfer under Section 41(1)(c) of the Labour Code, sending on a business trip under Section 93 or if the work permit was issued based on false information.

(3) The competent body of the Police of the Czech Republic or the Ministry of Interior shall inform the competent Regional Branch of the Labour Office of the facts set out under Subsection 1(d).

Section 101

Filing an application for a work permit and an application for the extension of a work permit is subject to an administrative fee under special legal regulations.

TITLE III

REGISTER OF CITIZENS OF THE EUROPEAN UNION AND FOREIGN NATIONALS

Section 102

(1) The Regional Branch of the Labour Office keeps a register of EU citizens and their family members (Section 3(2)) and the family members of a citizen of the Czech Republic under Section 3(3) who commenced employment, a register of foreign nationals who have been granted a work permit, a register of foreign nationals who hold employee card or blue card, and a register of foreign nationals who are not required to have a work permit under Section 98(a) to (e) and (j) to (r). The register contains the information specified under Section 92(3) and the sex of these persons, sectoral (field) classification of economic activities, educational attainment and education required for the profession.

(2) The employer is obliged to keep a register of EU citizens and their family members (Section 3(2)) and the family members of a citizen of the Czech Republic under Section 3(3) and a register of foreign nationals that the employer employs. The same obligation lies with the legal or natural person who has entered into a contract with a foreign employer.
on the basis of which the persons under Section 87(1) were sent to the Czech Republic to carry out the tasks arising from this contract. The register contains the information specified under Section 91(1)(a), (b), (c) and (e) and also the sex of these persons, sectoral (field) classification of economic activities, educational attainment, education required for the profession, the period for which they have been granted the work permit, employment card or blue card and for which they were allowed to stay, first and last date of employment or sending by a foreign employer.

(3) The employer is obliged to keep copies of documents proving the legitimacy of residence\(^3\) of the foreign national in the Czech Republic for the period of employment and the period of 3 years after the employment of the foreign national terminates.

(4) The information on the natural persons under Subsection 1 and included in the register of the Regional Branch of the Labour Office or in the register of the employer may be communicated only subject to a written consent of these persons or where so provided by a special act or an international treaty ratified by the Parliament and binding on the Czech Republic.

TITLE IV

AUTHORIZATION FOR THE ADOPTION OF NATIONAL MEASURES IN THE FIELD OF EMPLOYMENT

Section 103 [Comment by WK]

If an international treaty ratified by the Czech Parliament and binding on the Czech Republic or EU law allows the Czech Republic to fully or partially suspend the application of European Union regulations governing the access to the labour market, the Government may, under the conditions set out in this international treaty or the relevant EU regulation, issue a regulation providing for the State against which the Czech Republic will exercise this option and to what extent. The Government may, under the same conditions, issue a regulation providing for the conditions for the nationals of that State to access the labour market.

PART FIVE

ACTIVE EMPLOYMENT POLICY

TITLE I

MEASURES AND INSTRUMENTS

Section 104 [Comment by WK]

(1) The active employment policy is a set of measures aimed at ensuring the maximum possible level of employment. Active employment policy is accomplished by the Ministry and the Labour Office; in implementing the active employment policy, they cooperate with other bodies depending on the labour market situation.

(2) The instruments used to implement active employment policy include, but are not limited to:

(a) retraining,
(b) investment incentives,
(c) community service,
(d) socially useful jobs,
(e) bridging allowance,
(f) allowance during partial unemployment,
(g) allowance for initial training,
(h) allowance for the transition to a new entrepreneurial programme.

Section 105 [Comment by WK]

(1) Active employment policy measures also include:
(a) counselling provided or arranged by the Regional Branches of the Labour Office for the purpose of determining the personal qualities and qualifications of natural persons to facilitate career choice, intermediate suitable employment, select vocational training for persons with disabilities and select appropriate active employment policy instruments,

(b) promoting the employment of persons with disabilities provided in Part III, with the exception of the allowance under Section 78,

(c) shared employment intermediation (Section 119a),

(d) targeted programmes to address employment (Section 120).

(2) Based on an agreement, the Regional Branch of the Labour Office may provide counselling through specialized facilities, such as educational and psychological counselling centres and balance and diagnostic centres, and pay costs associated with this activity.

(3) The agreement between the Labour Office and the specialised facility to carry out counselling activities must be made in writing and must include:

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

(b) the content and scope of counselling activities,

(c) the place and manner of consulting activities,

(d) the date for the performance of the counselling activities,

(e) the costs of the counselling activities, the date and manner of the payment of such costs,

(f) the obligation of the specialised facility to return the provided funds or their part if it fails to comply with the agreed terms or if the funds were provided wrongfully or at a higher amount due to the facility being at fault, and the deadline for their return,

(g) an arrangement on the termination of the agreement.

(4) The characteristics of individual counselling activities and forms and the types of associated costs paid by the Labour Office shall be provided by the Ministry in an implementing regulation.

Section 106 [Comment by WK]

In accordance with the needs of the labour market, the labour Office may test new instruments and measures of active employment policy. The conditions for verification and the cost of new instruments and measures of active employment policy are approved by the Ministry.

Section 107 [Comment by WK]

(1) The active employment policy is financed from the state budget and the management of these funds is governed by a special regulation. These funds can also be used to contribute to programmes or measures of regional and national importance and projects of foreign entities contributing to an increase in employment and to the verification new instruments and measures of active employment policy.

(2) An employer may not be provided with allowances to the active employment policy provided under Part Three and Part Five for the same purpose. Allowances may not be provided to State organizational units and publicly co-funded organizations.

TITLE II

RETRAINING

Section 108 [Comment by WK]

(1) Retraining means the acquisition of new qualification and increasing, extending or strengthening the existing
qualification, including its maintenance or renewal. Retraining is also considered to include qualification for the employability of a natural person who has no previous qualification. The determination of the content and scope of retraining relies on the current qualification, state of health, abilities and experience of the natural person who is to be retrained by means of acquiring new theoretical knowledge and practical skills in the context of continuing professional education.

(2) Retraining may only be conducted by:

(a) a facility with accredited educational programme pursuant to this Act;

(b) a facility with accredited educational programme pursuant to a special legal regulation,

(c) a school within the field of education, which is registered in the register of schools and educational institutions, or a university with an accredited study programme pursuant to a special legal regulation,

(d) a facility with an educational programme pursuant to a special legal regulation,

(3) Educational programme accredited pursuant to Subsection 2(a) means a programme which was accredited based on the needs of the labour market by the Ministry of Education, Youth and Sports. The accreditation is granted on the basis of a written application, which includes the definition of the content and scope of education, forms and methods of teaching and the methods of verifying the results of retraining education. The educational programme must be consistent with the objectives and content of education pursuant to special legal regulations. The Ministry of Education, Youth and Sports is obliged to decide on the accreditation within 90 days after the receipt of the application for accreditation. To assess the application for accreditation, the Ministry of Education, Youth and Sports may establish an accreditation commission as an advisory body and may seek the opinion of the Ministry concerning the situation on the labour market. The accreditation is granted for a period of 3 years from the date on which the decision to grant it became final and enforceable.

(4) The Ministry of Education, Youth and Sports shall decide to revoke the accreditation if the retraining facility under Subsection 2(a):

(a) does not comply with the accredited educational programme,

(b) is unable to provide for the appropriate level of education, or

(c) requests the revocation of accreditation.

(5) The retraining facility under Subsection 2(a) may issue certificates of retraining with nationwide validity.

(6) The retraining facility which, based on an agreement with the Labour Office, performs retraining of job seekers or person interested in a job, may be provided with the reimbursement of the costs associated with such retraining by the Labour Office.

(7) The agreement between the Labour Office and the retraining facility on the retraining of job seekers and person interested in a job must be made in writing and must stipulate:

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

(b) work activity for which the job seekers or persons interested in a job will be retrained,

(c) the basic qualification requirements needed for the inclusion in retraining,

(d) the scope of theoretical and practical training,

(e) the place where and manner in which the training will take place,

(f) the time of commencement and completion of retraining, the manner to verify the knowledge and skills acquired,

(g) retraining costs, time and manner of their payment,

(h) an obligation of the retraining facility to take out liability insurance for damage to health caused during retraining,
(i) the obligation of the accredited facility to return the provided funds or their part if it fails to comply with the agreed terms or if the funds were provided wrongfully or at a higher amount due to the facility being at fault, and the deadline for their return,

(j) an arrangement on the termination of the agreement.

(8) The Ministry of Education, Youth and Sports in agreement with the Ministry shall establish the particulars for the application for accreditation and education organizations according to the retraining programme, a manner of completing the education and the particulars of the retraining certificate.

Section 109 [Comment by WK]

Retraining of job seekers and person interested in a job

(1) The retraining takes place on the basis of an agreement between the Labour Office and the job seeker or person interested in a job, if required by their employability. The Labour Office pays the retraining costs for the retraining participant and may provide the participant with an allowance to cover proved necessary expenses associated with retraining. Retraining is arranged by the Regional Branch of the Labour Office competent according to the place of residence of the job seeker or person interested in a job.

(2) The retraining agreement under Subsection 1 must be concluded in writing and must set out the following:

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

(b) work activity for which retraining is arranged,

(c) the manner and time of retraining, the place where it will take place,

(d) the conditions for the provision of the allowance to cover the proved necessary expenses associated with retraining,

(e) the manner to verify the knowledge and skills acquired,

(f) the obligation of the job seekers or person interested in a job to pay the costs of retraining if, without serious reasons, such a person fails to complete retraining or refuses to take up a suitable job corresponding to the newly acquired skills, and the types of costs that the person will be required to reimburse to the Labour Office,

(g) the obligation of the job seeker or person interested in a job to pay a proportion of the costs of retraining if, during retraining, such a person ceases to be a job seeker or person interested in a job,

(h) an arrangement on the termination of the agreement.

(3) In the agreement, the Labour Office is obliged to distinguish conditions for the provision of the allowance, whose non-fulfilment is not a violation of budgetary discipline, and conditions whose non-fulfilment will result in a deduction pursuant to a special regulation.

(4) A breach of the requirement to repay the allowance to cover proved necessary expenses associated with retraining is a violation of budgetary discipline.

(5) The forms of retraining, types of retraining costs and the associated costs paid by the Labour Office shall be determined by the Ministry in agreement with the Ministry of Education, Youth and Sports in an implementing regulation.

Section 109a [Comment by WK]

(1) A job seeker or a person interested in a job may arrange the retraining themselves and, for this purpose, choose:

(a) the type of work for which the person wants to retrain,

(b) the retraining facility that is to perform the retraining (Section 108(2)).

(2) A job seeker or a person interested in a job is obliged to provide the Regional Branch of the Labour Office competent according to the place of residence of the job seeker or person interested in a job with a proof of the price of the selected retraining.
(3) In the event that the selected retraining will contribute to the employability of the job seeker or person interested in a job and is suitable for them given their medical condition, the Labour Office may, after the successful completion of the retraining, pay the price of the retraining to the retraining facility.

(4) If the Labour Office pays the price of retraining, it shall, before the start of the retraining, provide the job seeker or person interested in a job with a confirmation that after the presentation of a proof of successful completion of retraining, it shall pay the retraining facility the price of retraining. The Labour Office may cover the cost of retraining only for the period for which the jobseeker or person interested in a job is registered as a job seeker.

(5) The Labour Office shall pay the retraining facility the retraining or its proportion if the job seeker or person interested in a job does not complete retraining for serious reasons.

(6) The Labour Office shall pay the retraining facility the price of retraining under Subsection 4 within 30 calendar days after the proof of the successful completion of retraining is submitted.

(7) The retraining facility is obliged to immediately notify the Regional Branch of the Labour Office that the job seeker or person interested in a job fails to meet the study or training obligations determined by the retraining facility.

(8) A job seeker or a person interested in a job must pay the price of retraining to the Labour Office if, without a good reason, the job seeker or person interested in a job refuses to take up a job corresponding to the newly acquired skills.

(9) The total amount of money the Labour Office may pay for the selected retraining of one job seeker or person interested in a job may not exceed CZK 50,000 in a period of three consecutive calendar years from the first commencement of the selected retraining.

Section 110 [Comment by WK]

Retraining of employees

(1) Retraining may also take place on the premises of the employer in the interest of further employability of the employer’s employees. Retraining of employees takes place on the basis of an agreement concluded between the employer and the employee. Employee retraining consisting in acquiring, increasing or extending the qualification may take place under an agreement concluded between the Labour Office and the employer. If the employee retraining takes place under an agreement with the Labour Office, the Labour Office may fully or partially cover the costs of employee retraining and the associated costs to the employer or retraining facility organising employee retraining for the employer. If the employee retraining is organised for the employer by a retraining facility, an agreement is concluded between the employer and the retraining facility or between the Labour Office, the employer and the retraining facility.

(2) An agreement on employee retraining between Labour Office and the employer or retraining facility must be concluded in writing and must set out:

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

(b) the work activity for which employees will be retrained,

(c) the basic qualification requirements of employees needed for the inclusion in retraining,

(d) the scope of theoretical and practical training,

(e) the place where and manner in which the training will take place,

(f) the time of commencement and completion of retraining, the manner to verify the knowledge and skills acquired,

(g) retraining costs, time and manner of their payment,

(h) the obligation of the employer or retraining facility to return the provided funds or their part if it fails to comply with the agreed terms or if the funds were provided wrongfully or at a higher amount due to the facility being at fault, and the deadline for their return,

(i) an arrangement on the termination of the agreement.
(3) An agreement on employee retraining between the employer and the employee must be concluded in writing and must set out:

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

(b) the work activity for which the employee is to be retrained,

(c) the scope of theoretical and practical training,

(d) the time of commencement and completion of retraining, the manner to verify the knowledge and skills acquired.

(4) Employee retraining consisting in the acquisition, increase or extension of qualification takes place during working hours and constitutes an obstacle to work attributable to the employee; the employee is entitled to wage compensation for this period in the amount of average earnings. Retraining takes place outside working hours only where necessary given the manner of its organisation.

(5) Retraining is not considered to constitute retraining under Subsection 1 if the employee attends theoretical or practical training which:

(a) the employer is obliged to provide for the employee pursuant to relevant legal regulations and which the employee is obliged to attend as part of the performance of the employee’s employment, or

(b) the employee completes voluntarily without any change to the employee’s current skills being necessary with regard to the work the employee performs for the employer. In this case, the applicable provisions of the labour-law regulations governing employee participation in in-service training and study apply.

(6) The forms of employee retraining, types of retraining costs and the associated costs paid by the Labour Office shall be determined by the Ministry in agreement with the Ministry of Education, Youth and Sports in an implementing regulation.

TITLE III
INVESTMENT INCENTIVES

Section 111 [Comment by WK]

(1) Investment incentives are an active employment policy instrument, which provides the employer for which a decision on the promise of an investment incentive pursuant to a special legal regulation was issued with a financial support of:

(a) the creation of new jobs,

(b) retraining or training of new employees.

(2) For the purposes of investment incentives, training means theoretical and practical education, acquisition of knowledge and skills for the job type according to the requirements defined by the employer. Training may also be organised by the employer.

(3) Financial support for the creation of new jobs may be provided to an employer who creates new jobs in a geographical area where the average percentage of unemployment for the 2 completed half-years preceding the date on which the employer submitted the plan to obtain investment incentives is at least 25% higher than the average unemployment rate in the Czech Republic, or within subsidized industrial zones approved by the Government under a special legal regulation. The total number of newly created jobs includes jobs created after the date on which the plan to obtain investment incentives was submitted.

(4) Financial support for retraining or training of employees may be provided to an employer to partially cover the costs actually incurred in the retraining or training of new employees. The condition of a minimum unemployment rate in the territorial area under Subsection 3 also applies to the provision of financial support for retraining or training of employees. The total number of retrained or trained employees includes employees retrained or trained after the date of the submission of the plan to obtain investment incentives.

(5) Financial support for the creation of new jobs and financial support for retraining or training of new employees is provided by the Labour Office. An employer may not be provided with financial support for the creation of
new jobs and financial support for retraining or training of new employees for a period of 3 years from the date on which the decision imposing a fine for allowing illegal work under Section 5(e) became final and enforceable.

(6) The agreement on the provision of financial support for the creation of new jobs must contain:

(a) the identification data of the parties to the agreement,
(b) the number of new jobs to be created,
(c) the date by which the jobs will be filled by the agreed number of employees,
(d) the types of costs whose payment may be covered by financial support,
(e) the amount and date of the provision of financial support,
(f) the manner to check compliance with the agreed conditions,
(g) the manner and date of accounting of the financial support,
(h) the obligation of the employer to return any financial support or its proportion if the employer does not use the entire amount of the support by the agreed deadline or if it was provided wrongfully or in a higher amount due to the employer being at fault, and the deadline and conditions for the repayment of the financial support,
(i) employer’s obligation to immediately repay the financial support if it had been provided to the employer within 12 months prior to the date on which the decision to impose a fine for allowing illegal work under Section 5(e) became final and enforceable, and the deadline and conditions for the repayment of the financial support,
(j) an arrangement on the termination of the agreement.

(7) The agreement on the provision of financial support for the retraining or training of new employees contains:

(a) the identification data of the parties to the agreement,
(b) the number of employees who will be assigned to retraining or training,
(c) the content of training or retraining, in what manner and when the training or retraining will take place,
(d) the estimated costs of retraining or training,
(e) the date by which the agreed number of employees will be retrained or trained,
(f) the types of costs whose payment may be covered by financial support,
(g) the amount and date of the provision of financial support,
(h) the manner to check compliance with the agreed conditions,
(i) the manner and date of accounting of the financial support,
(j) the obligation of the employer to return any financial support or its proportion if the employer does not use the entire amount of the support by the agreed deadline or if it was provided wrongfully or in a higher amount due to the employer being at fault, and the deadlines and conditions for the repayment of the financial support,
(i) employer’s obligation to immediately repay the financial support if it had been provided to the employer within 12 months prior to the date on which the decision to impose a fine for allowing illegal work under Section 5(e) became final and enforceable, and the deadline and conditions for the repayment of the financial support,
(l) an arrangement on the termination of the agreement.

(8) The obligations of the employer stipulated in the agreement for the provision of financial support and in the agreement on the provision of financial support for retraining or training of new employees must be met within a period of three years from the decision to grant investment incentives pursuant to a special legal regulation.
(9) Financial support for the creation of new jobs and financial support for retraining or training of new employees are specifically earmarked and may not be used for any purpose other than that specified in the agreement on their provision.

(10) The failure to comply with the conditions stipulated in the agreement under Subsections 6 and 7 or the failure to return the financial support by the stipulated deadline constitutes a breach of budgetary discipline to be punished by a deduction for a breach of budgetary discipline pursuant to special legal regulation. 46)

(11) The territorial area means the territory of the district in which the investment project is located.

(12) The amount of financial support for each newly created job and the amount of financial support for retraining or training of employees depending on the situation on the labour market expressed as unemployment rate or other indicators, the group of persons that may be placed in the supported new jobs and the form of providing financial support will be determined in a Government Decree.

(13) An employer who has been provided with financial support in accordance with Subsection 1 may not be provided with an additional allowance from active employment policy funds for the same purpose for which the financial support was provided for the duration of the agreements concluded with the Labour Office.

TITLE IV
OTHER ACTIVE EMPLOYMENT POLICY INSTRUMENTS

Section 112 [Comment by WK]

Community service

(1) Community service means fixed-term jobs primarily involving the maintenance of public areas, the cleaning and maintenance of public buildings and roads or similar activities for a municipality or Government or publicly beneficial institutions which are created by an employer for a maximum of 24 consecutive calendar months, even repeatedly, for the purpose of job placement of job seekers. The jobs are created on the basis of an agreement with the Labour Office, which provide the employer with an allowance for such jobs.

(2) The allowance may be provided up the amount of the actual labour costs of an employee placed in such jobs, including social security premiums, State employment policy contributions and public health insurance premiums, which the employer has deducted from the assessment basis of this employee.

Section 113 [Comment by WK]

Socially useful jobs

(1) Socially useful jobs are understood as jobs that an employer creates 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 a jobseeker created in agreement with the Labour Office in order to become self-employed. The Labour Office may provide an allowance to socially useful jobs.

(2) Where more than 5 jobs are to be created, the Labour Office is obliged to commission an expert assessment.

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

(4) Provided that in the calendar month preceding the day the application for an allowance was submitted the unemployment rate in that given district reaches the average unemployment rate for the Czech Republic or is higher, the maximum amount of the allowance granted for the creation of one socially useful job is six times the national average wage for the first to third quarters of the preceding calendar year and, when establishing more than 10 jobs under a single agreement, the maximum amount of the allowance for one socially useful job may be eight times this average wage.

(5) The allowance for the reservation of one socially useful job may be provided up the amount of the labour costs of an employee placed in such a reserved job, including social security premiums, State employment policy contributions and public health insurance premiums, which the employer has deducted from the assessment basis of this
employee. The allowance may be granted for a maximum period of 12 months.

(6) The repayment of the allowance for the creation of a socially useful job for the purpose of self-employment may not be required if the self-employed person ceases to be self-employed due to health reasons or the person’s death.

(7) The amount of the average wage for the first to the third quarters of the previous calendar year is based on data from the Czech Statistical Office and announced by the Ministry by publication in the Official Journal.

Section 114 [Comment by WK]

Bridging allowance

(1) The Labour Office may provide the bridging allowance under an agreement to a self-employed person who has ceased to be a job seeker and who has been provided with an allowance under Section 13(1). The bridging allowance is provided to cover the operational costs incurred and paid during the period for which the bridging allowance is granted.

(2) The bridging allowance is granted for a maximum period of 5 months. (6) The maximum amount of the allowance is 0.25 times the national average wage for the first to third quarters of the calendar year preceding the calendar year in which the agreement on bridging allowance was concluded. The bridging allowance may be applied for within 30 calendar days after the conclusion of the agreement under Section 113(1). The amount of the average wage for the first to the third quarters of the previous calendar year is based on data from the Czech Statistical Office and announced by the Ministry by publication in the Official Journal.

(3) The bridging allowance shall be granted once for the entire agreed period and shall be payable within 30 calendar days from the conclusion of the agreement on the provision of this allowance.

(4) The operating costs which may be covered by a bridging allowance provided to a self-employed person are considered to include:

(a) rent and related services, excluding rent for an apartment and related services,

(b) the costs of transporting materials and finished products,

(c) the costs of repair and maintenance of the building in which self-employment is performed if the building is owned by the self-employed person and the costs are associated with the performance of the self-employment.

(5) If the costs under Subsection 4 include the value added tax and the self-employed person is not subject to this tax, the value added tax is considered an operating expense.

Section 115

Allowance during partial unemployment

(1) The Labour Office may provide the allowance during partial unemployment to an employer that is not specified under Section 109(3) of the Labour Code under an agreement concluded with the employer after prior consent of the Government, if an obstacle to work attributable to the employer is created for a reason specified under Section 209(1) of the Labour Code or due to work interruption caused by a natural event under Section 207(b) of the Labour Code consisting of a natural disaster pursuant to a directly applicable EU regulation98) and the employer:

(a) is unable to assign work to the employee of at least 20% of the weekly working time99),

(b) already provides the employee with wage compensation due to any of the above obstacles to work under the conditions and at an amount under Section 207(b) or Section 209(2) of the Labour Code and will provide the employee with this wage compensation at at least 70% of average earnings from the conclusion of the agreement for the provision of the allowance with the Labour Office,

(c) undertakes in the agreement on the provision of the allowance that in the period agreed for the provision of the allowance with the employee for whom the allowance will be granted the employer will not terminate employment for reasons specified under Section 52(a) to (c) of the Labour Code.

(2) In addition to the documents referred to under Section 118(2), the application for the allowance must be accompanied by:
(a) the agreement with the trade union organisation on the amount of wage compensation to be provided under Section 209(2) of the Labour Code in the case of the obstacle to work under Section 209(1) of the Labour Code; in the absence of such a trade union organisation, the agreement may be replaced by an internal regulation,

(b) a detailed description of the grounds for which the employer asks for the allowance and the measures which the employer has already implemented to address the situation, including measures in the field of working time, use of working time accounts or taking a leave,

(c) a list of establishments of the employer concerned by the application, including the number of the employees concerned,

(d) a description of the outlook to overcome partial unemployment or natural disaster.

(3) The amount of the allowance is 20% of the average wage of the employee for the first to third quarters of the calendar year preceding the calendar year in which the agreement to provide the allowance was concluded. The allowance may be provided only for the duration of the obstacle to work due to partial unemployment or natural disaster for a maximum period of 6 months with the possibility of one renewal for the same period; in justified cases, the Government may issue a Government Decree providing for a longer period of providing this allowance.

(4) The beginning and end of the period in which it is possible to apply for the allowance, the reasons for which the allowance may be granted, certain other conditions resulting from the substantive reasons for the introduction of this active employment policy instrument which will enable the identification of the causal link between the situation of the employer and the reasons for the activation of the instrument, the manner of implementation of the instrument, including its schedule and model application for the allowance shall be determined by a Government Decree.

Section 116 [Comment by WK]

Allowance for initial training

(1) The Labour Office may provide the allowance for initial training to an employer based on an agreement concluded between the two, if the employer recruits a job seeker receiving special care from the Regional Branch of the Labour Office (Section 33).

(2) The allowance is provided under an agreement between the Labour Office and the employer. The allowance may be granted for a maximum period of 3 months. The monthly allowance per natural person undergoing initial training may not exceed half the minimum wage.

Section 117 [Comment by WK]

Allowance for the transition to a new entrepreneurial programme

(1) The Labour Office may provide the allowance for the transition to a new entrepreneurial programme to an employer under an agreement concluded between them, if the employer transitions to a new entrepreneurial programme and therefore cannot guarantee its employees work within the scope of the standard weekly working time.

(2) The allowance may be provided to cover partial compensation of wage to which employees are entitled under the labour law. The allowance may be granted for a maximum period of 6 months. The monthly allowance per employee may not exceed half the minimum wage.

Provision of allowances

Section 118 [Comment by WK]

(1) Employers and natural persons apply for the provision of allowances for individual active employment policy instruments. The application for the contribution for various active employment policy instruments must contain:

(a) identification data of the legal or natural person,

(b) the place and objects of business,

(c) the type of allowance subject to application.

(2) The application for the allowance for various active employment policy instruments must be accompanied by:
(a) documents certifying the facts stated in the application,
(b) a document on the establishment of a bank account.

(3) The allowance is granted on the condition that in its tax records the employer has no tax arrears as reported by the tax or customs office, it has no arrears on premiums and penalties for public health insurance or arrears on premiums and penalties for social security and state employment policy contributions, with the exception of cases where the employer has been allowed to make payments by instalments and the employer is not in delay with the payment of such instalments or where tax postponement has been allowed. The proof of compliance with the condition is ensured by the Labour Office itself pursuant to Section 147b subject to the employer’s written consent and subject to the employer relieving for this purpose the competent tax or customs office, competent District Social Security Administration or the competent health insurance company of the duty to maintain confidentiality towards the Labour Office. If the employer proves compliance with the condition under the first sentence by attaching the proof itself, the proof may not be older than 30 days before the date of the application under Subsection 1 and the data contained therein must match the actual situation as of the day on which it was issued. The Regional Branch of the Labour Office may also require the submission of additional documentation if it is necessary to consider the application.

(4) The Regional Branch of the Labour Office has territorial competence for the conclusion of the agreement and the provision of the allowance to establish (Section 113(1) second sentence) or reserve (Section 113(5)) a socially useful job if the job seeker to be placed in the socially useful job is registered in the records of the Regional Branch of the Labour Office.

(5) The allowances under Sections 112 to 116 or Section 117 shall not be provided to an employer for a period of 3 years from the date on which the decision imposing a fine for allowing illegal work under Section 5(e)(3) or breaching the agreement to provide the allowance under Section 115 became final and enforceable.

Section 119 [Comment by WK]

(1) The Labour Office concludes a written agreement on the provision of the allowance under active employment policy with employers, other legal and natural persons and other entities under special legal regulations.

(2) The agreement on the provision of allowance must contain:
(a) the identification data of the parties to the agreement,
(b) the purpose of the allowance,
(c) the conditions under which the allowance is provided,
(d) the amount and date of the allowance,
(e) the manner to check compliance with the agreed conditions,
(f) the terms and dates of the accounting of the allowance provided,
(g) the obligation of the beneficiary to repay the allowance or its proportionate part if it was provided wrongfully or in a higher amount due to the beneficiary being at fault, and the deadline and conditions for the repayment of the allowance,
(h) employer’s obligation to immediately repay the allowance under Sections 112 to 116 or Section 117 if it had been provided to the employer within 12 months prior to the date on which the decision to impose a fine for allowing illegal work under Section 5(e)(3) became final and enforceable, and the deadline and conditions for the repayment of the allowance,
(i) the employer’s obligation that during the period agreed for the provision of an allowance under Section 115 the employer does not terminate the employment with the employee subject to the allowance for reasons specified under Section 52(a) to (c) of the Labour Code,
(j) for the allowance under Section 115 a list of employees who will subject to the allowance,
(k) an arrangement on the termination of the agreement.

(3) Depending on the nature of the individual allowances provided within the active employment policy, the
agreement may also cover other stipulations as needed by the parties.

(4) In the agreement, the Labour Office is obliged to distinguish conditions for the provision of the allowance, whose non-fulfilment is not a violation of budgetary discipline, and conditions whose non-fulfilment will result in a deduction pursuant to a special regulation.

(5) The failure to repay the allowance by the specified deadline is a violation of budgetary discipline.

(6) The forms of allowances and the manner in which they are provided shall be provided by the Ministry in an implementing regulation.

TITLE V

SHARED EMPLOYMENT INTERMEDIATION

Section 119a [Comment by WK]

The Regional Branch of the Employment Office may intermediate employment for job seekers through an employment agency (the "shared employment intermediation").

(2) The Regional Branch of the Labour Office may include job seekers in the shared employment intermediation on the basis of an individual action plan (Section 33(2)) and with the employee’s prior written consent. When selecting job seekers, account is taken in particular of the labour market situation.

(3) The Labour Office and the employment agency conclude a written agreement on shared employment intermediation under which it may provide the employment agency with an allowance for:

(a) shared employment intermediation up to a maximum of CZK 500 per job seeker subject to employment intermediation by the employment agency,

(b) placing a job seeker and keeping the job seeker employed for at least 6 months up to a maximum of CZK 6,250.

(4) Employment intermediation is not considered to constitute a situation where an employment agency establishes a labour-law relationship with a job seeker subject to employment intermediation under this agreement.

(5) The agreement on shared employment intermediation contains:

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

(b) the number of job seekers who will be subject to employment intermediation by the employment agency,

(c) the period for which the employment agency will intermediate employment to job seekers; this period may not exceed 6 months,

(d) the number of job seekers subject to employment intermediation by the employment agency during the period under Paragraph (c),

(e) an obligation of the employment agency to inform the Regional Branch of the Labour Office by the agreed deadlines of the course of employment intermediation,

(f) the obligation of the employment agency to immediately inform the Regional Branch of the Labour Office that the job seeker:
   1. failed to appear for the meeting with the employment agency on the agreed date or for a meeting with the employer to discuss a possible commencement of employment,
   2. refused intermediated employment,
   3. is placed in intermediated employment, including the date of commencement of employment,

(g) the method to verify employment intermediation by the Regional Branch of the Labour Office,

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

(i) the amount, date of the contribution and the manner of its provision,
(j) the obligation of the employment agency to return the allowance or its proportion if the employment agency fails to fulfill the obligations under Paragraphs (b) to (d), or if it was provided wrongfully or in a higher amount due to the employment agency being at fault, and the deadline and conditions for the repayment of the allowance, and

(k) an arrangement on the termination of the agreement.

(6) Depending on the type of the individual allowances provided pursuant to Subsection 3, the agreement may also cover other stipulations as needed by the parties. The agreement includes a list of names of job seekers to whom the employment agency must intermediate employment.

(7) The failure to repay the allowance within the specified time limit is a breach of budgetary discipline.⁴⁶

(8) The Ministry shall issue an implementing regulation providing for:

(a) the manner of the provision of information about the course of employment intermediation and cooperation of the job seekers with the employment agency,

(b) the date and manner of the payment of allowances in accordance with Subsection 3, and

(c) the manner of selecting an employment agency with which an agreement on the shared employment intermediation will be signed.

TITLE VI

TARGETED PROGRAMMES TO ADDRESS EMPLOYMENT

Section 120 [Comment by WK]

(1) The problems of municipal, district, regional and national character in the employment area can be addressed via targeted programmes, including international programmes with international participation and programmes financed under the European Union Structural Funds and other European Union programmes.

(2) A targeted programme means a set of measures aimed at increasing the possibilities for natural persons or groups to become employed; part of the programme is to determine the conditions for its implementation and the disbursement schedule. National targeted programmes are approved by the Government of the Czech Republic and municipal, district and regional programmes are approved by the Ministry.

(3) A targeted programme is a programme to support the renewal or technical appreciation of tangible fixed assets used for employability of persons with disabilities; under this programme, employers who employ more than 50% of persons with disabilities may receive a contribution of up to 70% of the purchase price of the assets.

(4) In the fulfilment of targeted programmes, the Labour Office may also collaborate with other entities; the programmes may also be provided for by other legal or natural persons under a contractual relationship. Part of the agreement on providing for the targeted programme is also a stipulation on the contribution to the legal or natural person for providing for the targeted programme.

PART SIX

PERFORMANCE OF ARTISTIC, CULTURAL, SPORTS OR ADVERTISING ACTIVITIES BY CHILDREN

Section 121 [Comment by WK]

Basic conditions

(1) For the purposes of this Act, a child means a natural person:

(a) under 15 years of age, or

(b) over 15 years of age who has not completed compulsory schooling, until its completion.

(2) A child may perform only artistic, cultural, sports and promotional activities (the “child’s activity”) for a legal or natural person whose objects of business involve this activity (the “activity organiser”), only if such an activity is adequate to the child’s age, it is not dangerous for the child, it does not prevent the child’s education or school attendance and
participation in study programmes, it does not damage the child’s health, physical, mental, moral or social development.57) 

(3) The child’s activity is not considered to include:

(a) leisure cultural activity in amateur ensembles and elementary schools of art,
(b) performing in artistic and cultural events organized by schools, school facilities or social care institutions or at events where schools, school facilities or social care institutions are involved,
(c) activities performed as part of education in schools and school facilities in accordance with educational programmes,
(d) participation in art and sport competitions, unless the activity are subject to a reward, or
(e) activities performed as part of extra-curricular education and in other non-commercial leisure activities not performed for a reward.

(4) The activity organiser is obliged to ensure:

(a) constant supervision by a competent person at the time agreed for the child’s activity or, where applicable, also during transport to the place of child’s activity, unless ensured by a legal representative or guardian,
(b) conditions appropriate to the nature of the activity the child is to perform.

(5) Persons with disabilities who attend vocational rehabilitation outside employment are governed by Sections 101, 245 and 246 of the Labour Code; the provisions of Sections 103 to 106 of the Labour Code and Sections 2 to 8 of the act on further conditions to ensure occupational safety and health42a) shall apply with necessary modifications.

Section 122 [Comment by WK]

Permitting child’s activity

(1) The permission to perform children’s activities (the “permission”) is granted by the Regional Branch of the Labour Office on the basis of a written application submitted by a legal representative or guardian of the child or another person responsible for the child’s upbringing in whose care the child was placed by a court decision (the “legal representative”). The request is filed with the Regional Branch of the Labour Office competent according to the permanent residence of the child and if the child has no permanent residence, according to the child’s whereabouts.

(2) For the purpose of the permit under Subsection 1:

(a) artistic and cultural activity means the creation of copyright works or provision of artistic performances pursuant to special legal regulation58) and performing acts especially in the field of music, singing and dancing,
(b) advertising activities mean performing acts in advertising59) and the promotion of products, services or other items and modelling activities,
(c) sporting activities mean performing sports in public.

(3) The application for the permit must contain:

(a) the identification data of the child,
(b) the identification data of the child’s legal representative; if the child is a foreign national who does not reside in the Czech Republic, also the place in the Czech Republic where the child stays,
(c) the child’s written consent to carry out the activity, if the child is able to express his or her opinion given the age and intellectual maturity,
(d) a medical opinion from a provider of health care services in practical medicine for children and adolescents stating that the activity that the child will perform and the designated duration of the activity are appropriate in terms of health and that the child is medically fit to perform this activity. At the time of the issuance of the permit the medical opinion may not be older than 3 months. The opinion is issued by a physician at the request of the child’s legal representative. The opinion is issued on the basis of data processed by the activity organiser within the scope of Paragraph (e).
(e) the type of activity the child will perform, the place of the performance of the activity and the characteristics of the working conditions and the workplaces where the child will perform the activity; if several types of these activities are performed, the above is to be specified for each of these types of activities,

(f) identification data of the activity organiser,

(g) the period during which the child will perform the activity.

4. In the case of compensation for damage, including compensation for damage to health that might occur during the activity, the activity organiser is obliged to take out insurance; the insurance must be specified in the permit.

5. The compensation for damage caused by a child to the activity organiser or by the activity organiser to the child is governed by the Civil Code. The amount of the compensation for damage caused by the activity organiser to the child may not in each case exceed 0.70 times the national average wage for the first to third quarters of the calendar year preceding the calendar year in which the damage occurred. The amount of the average wage for the first to the third quarters of the previous calendar year is based on data from the Czech Statistical Office and announced by the Ministry by publication in the Official Journal. However, the activity organiser is also obliged to pay the compensation for damage if the activity organiser complied with the duties arising from the legal regulations to ensure occupational health and safety.

6. The proceedings to permit the performance of a child’s activity also involves the activity organiser as a party to the proceedings.

7. The permit is issued by the Regional Branch of the Labour Office. In the permit, the Regional Branch of the Labour Office shall specify the scope and the conditions for the performance of the activity regulating the schedule of activity and rest depending on the extent and type of activity, the manner to ensure health and safety and the minimum requirements for suitable working conditions to perform the activity.

8. The performance of a child’s activity may be permitted for a maximum period of 12 consecutive months following the date on which the decision of the Regional Branch of the Labour Office to grant the permit became final and enforceable, but only until the natural person is considered a child pursuant to this Act. If a child performs an activity for several organizers, a separate permit to perform the activity is issued for each organizer.

9. The Regional Branch of the Labour Office may request the social and legal child protection authority to provide an opinion stating whether or not the authority knows of any facts that would prevent the child from preventing the activity or whether or not the activity is suitable for the child.

Section 123 [Comment by WK]

Content and duration of the permit

1. A child may perform an activity only under an individual permit issued for a particular child and a particular activity for a maximum of:

(a) 2 hours a day for a child who is yet to commence compulsory schooling; the total duration of the performance of the activity may not exceed 10 hours per week,

(b) 2 hours on a school day and 12 hours per week concerning an activity performed during their schooling period outside schooling hours; the performance of the activity may not exceed 7 hours per day,

(c) 7 hours per day for an activity performed during the school holidays; the total duration of the performance of the activity may not exceed 35 hours per week.

The duration of the performance of the activity is considered to also include the time needed to prepare for the performance of the activity at the place where the activity is performed.

2. The period of rest must be at least twice for 15 minutes and once for 45 minutes where the child is to perform the activity for at least 4.5 hours per day. This rest period is not included in the period of the performance of the activity.

3. If a child performs an activity for more activity organisers, the periods of these activities are added together; their sum may not be greater than that specified under Subsection 1.

4. A child may not perform the activity between 10pm and 6am; if, for a child subject to compulsory schooling, the day following the day when this period ends is not a school day, the performance of the activity is prohibited between 10.30pm and 6am.
After the performance of a daily activity ends, a child must have an uninterrupted rest period lasting at least 14 hours. If a child performs the activity for 5 consecutive calendar days, the child may not perform the activity for at least the following 2 consecutive calendar days. In a calendar week, a child may not perform the activity for at least 2 calendar days.

Before the expiry of the permit, the Labour Office may, upon the written request of the legal guardian of a child, extend its validity for the period necessary to complete the child’s activity, but for a maximum period of 2 months. When deciding on the extension of the permit, the Regional Branch of the Labour Office relies on the data specified in the permit application completed by the legal representative to include new facts relevant to issue the permit.

The permit can be applied for repeatedly. If an application for a permit is dismissed with regard to the medical opinion, the application for a permit of the performance of the same activity carried out under the same conditions may be filed again no earlier than 3 months after the date on which the decision of the Regional Branch of the Labour Office to dismiss the permit became final and enforceable.

The Regional Branch of the Labour Office shall also deliver the decision to permit the performance of the child’s activity or the decision not to permit the performance of the child’s activity to the territorially competent labour inspectorate without undue delay.

Unless otherwise provided for in this Act, the issued permit does not affect the content and form of contracts concluded under special legal regulations, as well as claims arising therefrom.

The Regional Branch of the Labour Office keeps records of permits granted for a child’s activity. The records contain the information specified in the permit application. The records are intended solely for the purposes of issuing the permit.

Section 124

Proceedings to prohibit a child’s activity

The Labour Office shall prohibit the performance of a child’s activity if it finds that:

(a) the child performs an activity without a permit,

(b) the activity organiser violated the duties provided under this Act or other legal regulations in the performance of the child’s activity, or

(c) according to a medical report issued after the decision to permit the activity the performance of this activity is not suitable for the child.

The Labour Office is obliged to prohibit the performance of the activity immediately after becoming aware of the facts under Subsection 1 by means of a declaration communicated to the child’s legal representative and activity organiser. From the date of this declaration, the legal representative of the child is obliged to terminate the child’s activity; the activity organiser has the same obligation.

Where there is a reason to suspect that a child is no longer physically fit to perform the activity or there is another fact preventing the child from performing the activity, the child’s legal representative, attending physician, the regional labour inspectorate and the authority for social and legal protection of children are obliged to communicate these facts to the relevant the Regional Branch of the Labour Office.

The Labour Office may declare the prohibition of a child’s activity orally or in writing. If the declaration was made orally, the Labour Office is obliged to make a record of this oral declaration on the same day when the declaration was made. If the declaration was made orally, the Labour Office shall issue a written confirmation on the spot. A declaration made in writing and a written confirmation shall be provided to the child’s legal representative and activity organiser.

The Regional Branch of the Labour Office is obliged to make a decision to prohibit a child’s activity within 15 calendar days from the date on which the written or oral declaration to prohibit the child’s activity was communicated.

PART SEVEN

INSPECTION ACTIVITIES
Section 125 [Comment by WK]

Inspection activities in the field of employment are performed by the State Labour Inspection Office, regional labour inspectorates within the scope specified under Section 126(4) and customs offices, and within the scope specified under Section 127 the Directorate General of the Labour Office and the Regional Branches of the Labour Office (the “inspection bodies”).

Section 126 [Comment by WK]

(1) The State Labour Inspection Office and the regional labour inspectorates check compliance with labour-law legislation with:

(a) employers,

(b) legal and natural persons who perform activities pursuant to this Act, particularly in employment intermediation and retraining,

(c) natural persons who receive services pursuant to this Act, (the “inspected person”).

(2) For the purposes of this Act, labour-law legislation is considered to include legal regulations on employee protection in the case of employer’s insolvency.

(3) The State Labour Inspection Office and the regional labour inspectorates are entitled to examine whether and to what extent an employer assigns work to its employees who are subject to an allowance to support the employment of persons with disabilities under Section 78 whose employment contract stipulates the place of work to be outside the employer’s workplace. For this purpose, the State Labour Inspection Office and regional labour inspectorates are entitled to enter the places of work with the employee’s consent.

(4) Customs offices are also authorised to check whether a foreign national performs work for a legal or natural person based on a labour-law relationship and whether the foreign national performs it in accordance with the issued employment permit, employee card or blue card, if required under this Act. Customs offices are also authorized to inspect whether employers meet the notification duty under Section 87 and Section 88. For the purposes of inspection under the first and second sentences, the Ministry provides, in a manner allowing remote access, customs offices, State Labour Inspection Office and the regional labour inspectorates with information on work permits issued by the Regional Branch of the Labour Office and on written information concerning foreign nationals, EU citizens and their family members under Section 3(2) and the family members of the citizens of the Czech Republic under Section 3(3), within the scope provided under Sections 87, 88 and Section 92(3). The customs office informs the competent regional labour inspectorate of the inspections carried out, and if it finds deficiencies, it provides the regional labour inspectorate area with materials to initiate administrative proceedings to impose a fine.

(5) The Ministry of Education, Youth and Sports is authorised to check whether a retraining facility under Section 108(2)(a) implements an accredited educational programme in accordance with the granted accreditation.

(6) The inspection authorisation of other bodies under special legal regulations are not affected.

Section 127 [Comment by WK]

(1) The Directorate General of the Labour Office inspects:

(a) the fulfilment of agreements to provide financial support for the creation of new jobs and financial support for retraining or training (Section 111),

(b) the implementation of national targeted programmes (Section 120).

(2) The regional branch of the Labour Office is authorised to check the amount of the average monthly net earnings to the extent necessary to determine the amount of unemployment benefit and retraining benefit.

Section 128 [Comment by WK]

repealed
Section 129 [Comment by WK]

Checking compliance with the conditions for the use of funds from the state budget pursuant to this Act and imposing sanctions for the breach of budgetary discipline are governed by special legal regulations.64)

Section 130 [Comment by WK]
repealed

Section 131 [Comment by WK]
repealed

Section 132 [Comment by WK]

A natural person who is present at the workplace of the inspected person and performs work is obliged to prove his identity by an ID card or passport.

Section 133 [Comment by WK]
repealed

Section 134 [Comment by WK]
repealed

Section 135 [Comment by WK]

In justified cases, the inspection body may request the inspected person to appear before the inspection body within a specified time limit and submit the documents necessary to conduct the inspection; the inspected person is obliged to obey this request, unless the person can prove that there is a serious obstacle preventing the person from fulfilling this obligation within the prescribed time limit.

Section 136 [Comment by WK]

(1) A legal or natural person as an employer is obliged to have in the workplace copies of documents proving the existence of an labour-law relationship. The fulfilment of the obligation under the first sentence is not required if the employer has fulfilled the duty to notify the District Social Security Administration of the employee’s date of commencement of employment which established the employee’s participation in the sickness insurance pursuant to the Sickness Insurance Act.

(2) For the verification of the facts under Subsection 1 the State Labour Inspection Office and the regional labour inspectorates are authorised to receive employee data kept in the registry of insured persons from the Czech Social Security Administration in a manner allowing remote access, namely:

(a) the establishment and termination of participation in sickness insurance or commencement of employment and its termination or, for contract employees, the start and end of work for a contractual employer,
(b) the type of gainful activity establishing participation in sickness insurance,
(c) the business name, name and surname of the employer, including the address of the employer’s registered office or permanent residence or place of business.

(3) For the verification of the facts under Subsection 1 the State Labour Inspection Office and the regional labour inspectorates are authorised to access the Single Information System for Labour and Social Affairs in a manner allowing remote access to receive the following data:

(a) whether a natural person is kept in the register of job seekers,
(b) about EU citizens and foreign nationals kept by the competent Regional Branch of the Labour Office,

(c) data provided pursuant to Section 8(1)(o) of this Act.

Section 137 [Comment by WK]

If the inspection body carries out inspection on the basis of a written initiative or initiative made orally in a protocol, it shall inform the initiator, if known, in writing about the method and inspection results. In the case of an inspection initiative due to discrimination, the discriminated natural person identified in the initiative has the right to comment on the contents of the initiative and the facts established by the inspection body.

Section 138 [Comment by WK]

In the facilities of the armed forces and armed security forces under the Ministry of Defence, Ministry of Interior, Ministry of Justice and Ministry of Finance, in the facilities of the National Security Office, the Security Information Service, Office for Foreign Relations and Information and the General Inspection of Security Forces, where the performance of inspections could pose risk to classified information, the inspection may only be carried out with the consent of the Ministry, and in the facilities of the National Security Office, the Security Information Service, Office for Foreign Relations and Information and the General Inspection of Security Forces only with the consent of their director.

Administrative delicts

Section 139 [Comment by WK]

(1) A natural person commits an administrative infraction by:

(a) violating the non-discrimination obligation or not ensuring equal treatment under this Act;

(b) intermediating employment without permission,

(c) performing illegal work,

(d) allowing illegal work under Section 5(e)(1) or (2), or

(e) failing to comply with the notification duty under Section 87,

(f) allowing illegal work under Section 5(e)(3),

(g) failing to prove his or her identity being a person who is present at the workplace of the inspected person and who performs work pursuant to Section 132.

(2) A natural person in the capacity of an employer also commits an administrative infraction by:

(a) failing to keep a register of employed persons with disabilities or a register of jobs reserved for persons with disabilities in breach of Section 80,

(b) failing to comply with the obligation to employ persons with disabilities at a mandatory share set out under Section 81,

(c) failing to report in writing the outstanding wage claims of employees by the deadline for the purposes of Act no. 118/2000 Coll., on the protection of workers in the case of the employer’s insolvency and amending other acts,

(d) failing to comply with the notification duty pursuant to this Act or failing to keep records specified in this Act,

(e) failing to indicate in the records kept pursuant to Section 81(3) the required data or providing incomplete or false data, or

(f) not having in the workplace the copies of documents proving the existence of a labour-law relationship under Section 136(1).

(3) An administrative infraction:

(a) under Subsection 1(a) and under Subsection 2(a) and (b) is punishable by a fine of up to CZK 1,000,000,
(b) under Subsection 1(b) is punishable by a fine of up to CZK 2,000,000,

(c) under Subsection 1(c), (e) and Subsection 2(d) and (e) is punishable by a fine of up to CZK 100,000,

(d) under Subsection 2(c) and (f) is punishable by a fine of up to CZK 500,000,

(e) under Subsection 1(d) and (f) is punishable by a fine of up to CZK 5,000,000,

(f) under Subsection 1(g) is punishable by a fine of up to CZK 200,000,

Section 140 [Comment by WK]

(1) A legal person or a self-employed natural person commits an administrative delict by

(a) violating the non-discrimination obligation or not ensuring equal treatment under this Act;

(b) intermediating employment without a permit or otherwise violating this Act or good morals in employment intermediation,

(c) allowing illegal work under Section 5(e)(1) or (2), or

(d) failing to comply with the notification duty pursuant to this Act or failing to keep records specified in this Act,

(e) allowing illegal work under Section 5(e)(3).

(2) A legal person or a self-employed natural person in the capacity of an employer also commits an administrative delict by

(a) failing to keep a register of employed persons with disabilities or a register of jobs reserved for persons with disabilities in breach of Section 80,

(b) failing to comply with the obligation to employ persons with disabilities at a mandatory share set out under Section 81,

(c) failing to report in writing the outstanding wage claims of employees by the deadline for the purposes of Act no. 118/2000 Coll., on the protection of workers in the case of the employer’s insolvency and amending other acts,

(d) failing to indicate in the records kept pursuant to Section 81(3) the required data or providing incomplete or false data, or

(e) not having in the workplace the copies of documents proving the existence of a labour-law relationship under Section 136(1).

(3) The provider of health services commits an administrative delict if it fails to perform a medical examination under Section 9(1) or failing to perform it within the period specified under Section 9(1).

(4) An administrative delict is punishable by a fine of up to:

(a) CZK 1,000,000 in the case of an administrative delict under Subsection 1(a) and under Subsection 2(a) and (b),

(b) CZK 2,000,000 for an administrative delict under Subsection 1(b),

(c) CZK 500,000 for an administrative delict under Subsection 2(c) and (e),

(d) CZK 100,000 for an administrative delict under Subsection 1(d) and Subsection 2(d),

(e) CZK 50,000 for an administrative delict under Subsection 3,

(f) CZK 10,000,000 for an administrative delict under Subsection 1(c) and (e).

Section 141 [Comment by WK]

(1) A legal person is not liable for an administrative delict if it proves that it made every effort that could be
required in order to prevent the breach of the statutory duty.

(2) When determining the amount of the fine imposed on a legal person, account must be taken of the seriousness of the administrative delict, in particular the manner how it was committed and its consequences, and the circumstances under which it was committed. When determining the amount of the fine for the administrative infraction under Section 139(1)(f) or administrative delict under Section 140(1)(e), account shall be taken of the amounts that a legal or natural person is required to pay under Section 141b(1)(b).

(3) The liability of a legal person for an administrative delict terminates if the administrative body did not commence proceedings concerning this administrative delict within 1 year from the date when it learned of it, but no later than three years after the date when it was committed.

(4) Administrative delicts under this Act shall be considered in the first instance by the State Labour Inspection Office or regional labour inspectorates.

(5) The income from fines is the revenue of the State budget.

(6) The liability for acts performed in the course of entrepreneurial activities of a natural person or in direct connection with them is governed by the provisions of the act on the liability of and sanctions for legal persons.

**Liability of employer and other legal or natural persons**

Section 141a [Comment by WK]

(1) The liability for the payment of a fine imposed for an administrative infraction under Section 139(1)(f) or for an administrative delict under Section 140(1)(e) lies with the legal or natural person that was provided performance by the legal or natural person that allowed the foreign national to perform illegal work under Section 5(e)(3), as part of the performance of the business relationship as a subcontractor, directly or through another person; equal liability lies with an intermediary. Liability arises only if these persons knew about the illegal work under Section 5(e)(3) of these people knew, or should and could have known about it if exercising due care.

(2) Whether liability under Subsection 1 was created and who is the liable party is subject to a decision to be issued by the State Labour Inspection Office and the regional labour inspectorate, which decided on the imposition of the fine in the first instance. Administrative proceedings under the first sentence may be initiated within 90 days after the decision to impose a fine for an administrative infraction under Section 39(1)(f) or for an administrative delict under Section 140(1)(e) becomes final and enforceable.

Section 141b [Comment by WK]

(1) A legal person that was lawfully fined for an administrative delict under Section 140(1)(e) or a natural person who has been imposed with a final and enforceable fine for a administrative infraction pursuant to Section 139(1)(f) is obliged to pay:

(a) remuneration owed to a foreign national who performed work pursuant to Section 5(e)(3),

(b) the sum of money that equals the sum of the amounts corresponding to the amount of
   1. general health insurance premiums, including statutory penalties, 2. social security premiums, including statutory penalties, which the legal person would otherwise be obliged to pay pursuant to other legal regulations,

(c) costs related to the delivery of remuneration owed pursuant to Paragraph (a), even to the country of which the foreign national is a citizen, or if the foreign national is a person without citizenship, then to the State of the foreign national’s most recent permanent residence or to another State in which the foreign national has a residence permit.

(2) The remuneration owed under Subsection 1(a) is to be paid at the basic monthly minimum wage for each month of illegal work under Section 5(e)(3). It is deemed that the foreign country national was performing work for three months.

(3) The liability for the duties under Subsection 1(a) and (c) lies with the legal or natural person, that was provided performance by the legal or natural person that allowed the foreign national to perform illegal work under Section 5(e)(3), as part of the performance of the business relationship as a subcontractor, directly or through another person; equal liability lies with an intermediary. Liability arises only if these persons knew about the illegal work under Section 5(e)(3) of these people knew, or should and could have known about it if exercising due care.
Whether liability under Subsection 3 was created and who is the liable party is subject to a decision to be issued by the State Labour Inspection Office and the regional labour inspectorate, which decided on the imposition of the fine in the first instance. Administrative proceedings under the first sentence may be initiated within 90 days after the decision to impose a fine for an administrative infraction under Section 39(1)(f) or for an administrative delict under Section 140(1)(e) becomes final and enforceable.

PART EIGHT
COMMON, TRANSITIONAL AND FINAL PROVISIONS

TITLE I
COMMON PROVISIONS

Section 142 [Comment by WK]

Section 79(5) of the Administrative Code does not apply to administrative proceedings conducted pursuant to Part Two of this Act, with the exception of administrative proceedings to revoke the permit for employment intermediation initiated pursuant to Section 63(2)(a) to (e).

Section 143 [Comment by WK]

An appeal against the decision of the Labour Office on the removal from the register of job seekers (Section 30), cessation of the payment of unemployment benefits and retraining benefits (Section 44), the reduction or cessation of payments of unemployment benefits and retraining benefits (Section 55) and the withdrawal a work permit of a foreign national (Section 100) and the issuance or non-issuance of a permit for child’s activity and the prohibition of a child’s activity (Section 124(1) and (5)) does not have a suspensive effect.

Section 144 [Comment by WK]

The computation of time under this Act is governed, by analogy, by the regulation on the computation of time set forth in a special legal regulation. Where it is necessary to add up individual days to fulfil the condition of a claim to be created pursuant to this Act, a month is considered to have 30 calendar days.

Section 145 [Comment by WK]

If a foreign national is to be employed in several places of work, the Regional Branch of the Labour Office will discuss his employment with the Regional Branch of the Labour Office in whose area the work is to be also performed, and decide on work permit for several places of work.

Section 146 [Comment by WK]

(1) The beneficiary shall account allowances and financial support provided pursuant to Part Three and Part Five as of 31 December of each calendar year and submits it to the provider by 15 February of the following year, with the exception of contributions paid in arrears on the basis of the billed costs and allowances under Section 78(1). Allowances that are not provided in arrears do not have to be fully used in the year they were provided, but they must be used in accordance with the timetable set out in the agreement on their provision.

(2) The beneficiary shall forthwith return any unused part of the allowance to the provider; the failure to comply with this duty within the deadline set by the provider constitutes a breach of budgetary discipline.

Section 147 [Comment by WK]

The employment of officers and professional soldiers in service and municipal employees working as municipal police is not governed by Section 80 and 81; the duty under Section 81 does not apply to the Czech Mining Authority and district mining authorities, as regards the employment of mining inspectors. Sections 80 and 81 do not apply to the providers of emergency medical services as regards employment of members of the field groups.

Section 147a [Comment by WK]

(1) The employees of the State working at the Labour Office are obliged to maintain confidentiality concerning the facts they became acquainted with while performing work duties or in connection with it. This obligation shall survive the
termination of the employment relationship. Only the person in whose interest they have this duty or, in the public interest, the General Director of the Labour Office may relieve them of the duty to maintain confidentiality. This provision does not affect the duty to report certain facts to the competent bodies pursuant to special legal regulations \(^{71a}\).

(2) The provisions of Subsection 1 also applies to state employees working in customs offices or the State Labour Inspection Office who perform inspection pursuant to this Act; they may be relieved of the duty to maintain confidentiality in the public interest by the head of the competent customs office or Inspector General of the State Labour Inspection Office.

Section 147b [Comment by WK]

State authorities, municipalities and regions and their institutions, other legal and natural persons shall, at a request of the Labour Office, communicate promptly and gratuitously the data relevant for the inclusion and keeping in the register of job seekers, for the entitlement to unemployment benefits or retraining benefits, their amount or payment, for providing an allowance within the framework of active employment policy, allowance to support the employment of persons with disabilities, for the permit to employ foreigners, for the performance of artistic, cultural, sports or advertising activity by a child and inspection activities; they may do so in a manner allowing remote access.

Section 147c [Comment by WK]

(1) For the performance of State administration concerning employment, the Ministry of Interior or the Police of the Czech Republic shall provide the Ministry, the Labour Office, the State Labour Inspection Office and the regional labour inspectorates with:

(a) the reference data from the national registers of the population,
(b) the data from the agenda information system of population register,
(c) the data from the agenda information system of foreign nationals,
(d) the data from the registry of personal identification numbers (in Czech: regist rodných čísel) concerning natural persons who have been assigned a personal identification number, but are not kept in the information systems under Paragraphs (b) and (c).

(2) The data provided pursuant to Subsection 1(a) are:

(a) surname,
(b) name or names,
(c) address of residence,
(d) date, place and district of birth; for a person who was born abroad the date, place and State where the person was born,
(e) date, place and district of death; in the case of a death of a person outside the territory of the Czech Republic, the date of death, place and the State in whose territory the death occurred; in the case of a court decision declaring a person dead, the date that is stated in the decision as the date of death or the date which the person declared dead did not survive, and the date on which this decision became final and enforceable,
(f) nationality, or multiple nationalities.

(3) The data provided pursuant to Subsection 1(b) are:

(a) name or names, surname, or change thereof, surname at birth,
(b) date of birth;
(c) gender and its change,
(d) place and district of birth; for a citizen who was born abroad, the place and the State in whose territory the birth took place,
(e) personal identification number and its changes,
(f) nationality,

(g) address of permanent residence, including previous addresses of residence,

(h) the start of permanent residence or the date on which the data on the place of residence or date of termination of permanent residence in the Czech Republic was cancelled,

(i) limitation of legal capacity,

(j) personal identification number of father, mother or another legal representative or guardian; if any of the parents or another legal representative or guardian does not have a personal identification number, the person’s name, surname and date of birth,

(k) marital status, date of its change and the place of marriage,

(l) personal identification number of the spouse; if the spouse is a foreigner who does not have a personal identification number, name and surname and date of birth of the spouse,

(m) child’s personal identification number (in Czech: rodné číslo),

(n) in the case of adoption of a child, the original and new name or names and surname of the child, the old and new personal identification number of the child, date and place of birth of the child, personal identification numbers of adoptive parents and the date on which the decision on adoption or decision to cancel the adoption of a child became final and enforceable,

(o) date, place and district of death; in the case of the death of a citizen outside the territory of the Czech Republic, the date, place and the State in whose territory the death occurred,

(p) the date which a court decision on the declaration of death provided as the date of death or as the date which the citizen declared dead did not survive.

(4) The data provided pursuant to Subsection 1(c) are:

(a) name or names, surname, their change, surname at birth,

(b) date of birth;

(c) gender and its change,

(d) place and country of birth:

(e) personal identification number and its changes,

(f) nationality,

(g) the type and address of residence,

(h) the number and validity of residence permit, employee card or blue card,

(i) start of residence, or the date of termination of the stay,

(j) limitation of legal capacity,

(k) administrative expulsion and the period for which entry to the territory of the Czech Republic is not allowed,

(l) marital status, date and place of its change, the name or names and surname of the spouse, personal identification number or date of birth,

(m) name or names, surname of the child if the child is a foreign national, and his personal identification number; if personal identification number has not been assigned, date of birth,

(n) name or names, surname of father, mother or another legal representative or guardian if they are foreign nationals, and
their personal identification number; if any of the parents or another legal representative or guardian does not have a personal identification number, the person’s name, surname and date of birth,

(o) expulsion and the period for which entry to the territory of the Czech Republic is not allowed,

(p) the date, place and district of death; in the case of death outside the Czech Republic, the State in whose territory the death occurred or the date of death,

(q) the date which a court decision on the declaration of death provided as the date of death or as the date which the foreign national declared dead did not survive.

(r) in the case of adoption of a child who is a foreign national, the original and new name or names and surname of the child, the old and new personal identification number of the child, date and place of birth of the child, personal identification numbers of adoptive parents and the date on which the decision on adoption or decision to cancel the adoption of a child became final and enforceable,

(s) the name or names and surname of:
1. an adult dependent child of a foreign national,
2. a minor foreign national who a decision of the competent authority entrusted to foster care of a foreign national or the foreign national’s spouse or who was adopted by a foreign national or the foreign national’s spouse or whose guardian or the guardian’s spouse is a foreign national who is a resident,
3. a single foreign national over 65 years of age or regardless of age a foreign national who is unable to care for himself for health reasons in the case of family reunification with a parent or a child who are residents,
4. a foreign national who is a dependent direct relative in the ascending or descending line or such a relative of a spouse of a European Union citizen,
5. a parent of a minor foreign national and the parent’s personal identification number; in the case of foreign nationals who have not been assigned a personal identification number, the name or names, surname and date of birth,

(t) data on the employer, job position and place of work of a holder of an employee card or blue card.

(5) The data provided pursuant to Subsection 1(d) are:

(a) name or names, surname, surname at birth,

(b) day, month and year of birth,

(c) place of birth; for natural persons born abroad the place and country of birth,

(d) personal identification number and its changes.

(6) The data which are kept as reference data in the national registers of the population are to be used from the agenda information system of population register or agenda information system of foreign nationals only if they are in the form preceding the current state.

(7) Concerning the data provided, in each particular case it is only possible to use such data that are necessary to fulfil the given task.

Section 147d

(1) The data from the records under Section 6(1)(h) are kept in the information system of state employment policy, which is administered by the Ministry.

(2) The Labour Office is obliged to ensure the preservation of all data of the single information system of state employment policy, which were obtained by processing data under Subsection 1, as well as all documents and files relating to terminated administrative proceedings on documents and files on allowances which became final and enforceable for a period of 15 calendar years following the calendar year in which the administrative proceedings were terminated and became final and enforceable, or on the last entry of data into the information system.

(3) All data provided in the information system of state employment policy are part of the single Information System for Labour and Social Affairs89).
TRANSITIONAL AND FINAL PROVISIONS

Section 148 [Comment by WK]

Transitional provisions

(1) The entitlement to financial support that was granted prior to the effective date of this Act expires after the payment of financial support due for the first month after the effective date of this Act, if the conditions for its provision under this Act are not met after the effective date of this Act.

(2) The amount of financial support that was granted before the effective date of this Act shall be reassessed after the payment of unemployment benefit due for the first month after the effective date of this Act.

(3) A job seeker who, as of the effective date of this Act, receives financial support for job seekers, shall be subject to an assessment of the course of the support period under this Act; the duration of the support period is adjusted pursuant to this Act if the job seeker proves the facts decisive for extending the support period within 6 months after the effective date of this Act.

(4) The claims arising from a retraining agreement between an employer and an employee agreed before the effective date of this Act shall be assessed according to current regulations.

(5) A permit for employment intermediation issued to a legal or natural person before the effective date of this Act is valid for the period for which it was issued; for a period of four months from the effective date of this Act, this legal or natural person may use this permit to intermediate employment, even in the form of employing natural persons for their temporary assignment to perform work for another legal or natural person.

(6) A legal or natural person is obliged to adapt the relationships arising in connection with the temporary assignment of the person’s employee to work for another legal or natural person according to this Act no later than four months after the effective date of this Act.

(7) Natural persons who, following a decision of the district social security administration, have been recognized as persons with reduced work ability, are considered disadvantaged persons under this Act for the validity of that decision, but up to a maximum of 3 years from the effective date of this Act.

(8) Natural persons who, following a decision of the district social security administration, have been recognized as persons with reduced work ability having a serious disability and who are not, following an opinion of the social security body, recognised as fully disabled, are considered persons with a serious disability under this Act for the validity of that decision, but up to a maximum of 3 years from the effective date of this Act.


(10) The rights and obligations arising from agreements to ensure professional experience for graduates of secondary schools and universities and from the agreements to ensure qualification of young workers concluded pursuant to Section 6 of Act No. 9/1991 Coll., on employment and on the competence of the bodies of Czech Republic in the field of employment, as amended by Act No. 272/1992 Coll., which were concluded before the effective date of this Act, shall be assessed according to current regulations.

(11) Claims incurred by the State pursuant to Act No. 1/1991 Coll., as amended, and Act No. 9/1991 Coll., on employment and on the competence of the bodies of Czech Republic in the field of employment, as amended, against legal and natural persons which, until the effective date of this Act, were dissolved without a legal successor, terminate on the effective date of this Act and are no longer registered.

(12) Advance payments on allowances under Section 24a of Act No. 1/1991 Coll., on employment, as amended by Act No. 474/2001 Coll., per the quarter in which this Act will become effective, and the account of the advance payments provided in 2004 are governed by the existing legislation.

(13) The rights and duties arising under agreements negotiated under Act No. 1/1991 Coll., on employment, as amended, and Act No. 9/1991 Coll., on employment and on the competence of the bodies of Czech Republic in the field of employment, as amended, prior to the effective date of this Act shall be assessed in accordance with current legislation.

(14) If a child performs an activity before the effective date of this Act and shall continue to perform it before the
age of 15 or after reaching the age of 15, but before the end of compulsory schooling, even after the expiry of 30 days after the effective date of this Act, the legal representative of the child is obliged to apply with the labour office for a permit to pursue such an activity of the child no later than 30 days after the effective date of this Act.

(15) If the child’s legal representative applied for the permit of the child’s activity within the period under Subsection 14, the child may perform this activity without a permit until the date of the decision to permit to pursue artistic or sporting activity for a maximum period of 3 months from the effective date of this Act.

(16) If the legal representative did not apply for the permit of the child’s activity within the period specified under Subsection 14, the child may not carry out this activity from the day following the expiry of that period.

(17) A foreign national who, as a partner, governing body or a member of a governing or other body of a company ensures the performance of normal tasks for the company or as a member of a cooperative, a member of a governing or another body of a cooperative ensures the performance of normal tasks for the cooperative is obliged to apply for a work permit within 3 months from the effective date of this Act.

(18) Until the full effect of the Service Act, the directors of labour offices are appointed and dismissed by the Minister of Labour and Social Affairs.

Final Provisions

Section 149 [Comment by WK]

Labour offices and the Labour Office of the City of Prague pursuant to Act No. 9/1991 Coll., on employment and on the competence of the bodies of Czech Republic in the field of employment, as amended, are considered labour offices under this Act.

Section 150 [Comment by WK]

The following is repealed:


2. Act No. 9/1991 Coll., on employment and on the competence of the bodies of Czech Republic in the field of employment, as amended.


9. Government Decree No. 103/2002 Coll., on financial support for the creation of new jobs and retraining of employees within investment incentives.


11. Decree No. 115/1992 Coll., on the implementation of work rehabilitation of people with reduced working capacity.


13. Decree No. 399/1992 Coll., laying down detailed conditions for the implementation of the agreements between
employers and labour offices in reducing operational activities in connection with the transition to a new entrepreneurial programme.


15. Decree no. 232/1997 Coll., amending the Decree No. 115/1992 Coll. of the Ministry of Labour and Social Affairs of the Czech Republic, on the implementation of work rehabilitation of people with reduced working capacity.

16. Decree No. 242/2002 Coll., on detailed conditions for the provision of allowances to employers employing more than 50% of persons with reduced working capacity in the total number of its employees and the accounting of this allowance.

Section 151 [Comment by WK]

Effect

This Act becomes effective on the first day of the third month following the date of its promulgation.

Zaorálek, signed
Klaus, signed
Špidla, signed
Annex 1
repealed
Annex 2
repealed

Selected provisions of amendments

Article II of Act No. 382/2005 Coll.

Transitional provisions

1. Support period for a job seeker, who is provided an unemployment benefit on the effective date of this Act, or who, as of this date, is not provided an unemployment benefit for the reasons stated in Section 44 of Act No. 435/2004 Coll., on employment, and who, as of the date of his application for unemployment benefit, meets the condition provided in Section 43(1)(b) or c) of Act No. 435/2004 Coll., on employment, is adjusted in accordance with this Act. If the application for unemployment benefit was filed before the effective date of this Act and a decision on unemployment benefit has not yet been made, the length of the support period is determined pursuant to this Act.

2. Systematic preparation for a future profession is considered to be a substitute period of employment for job seekers, who were included in the register of job seekers after the effective date of this Act.

3. The period for which a job seeker was removed from the register of job seekers before the effective date of this Act pursuant to Section 30(1)(a) of Act No. 435/2004 Coll., on employment, for the reasons provided in Section 25(2)(f) of Act No. 435/2004 Coll., on employment, is assessed in accordance with this Act.

4. The rights and duties arising from agreements on providing contribution for reservation of socially useful job concluded before the effective date of this Act are assessed pursuant to the existing legislation.

5. Concluding agreements on providing contribution for reservation of socially useful jobs based on the applications filed before the effective date of this Act is governed by this Act.


Transitional provisions
Natural persons recognized as disadvantaged persons by the decision of the District Social Security Authority, are considered, for the period of validity of this decision, but for a maximum period of 3 years from the effective date of this Act, to be disadvantaged persons in accordance with this Act.

**Article XL of Act No. 112/2006 Coll.**

**Transitional provisions**

1. Proceedings on unemployment benefit and retraining benefit which are still pending final and enforceable decision on the effective date of this Act are completed in accordance with existing legal regulations.

2. If a decision pursuant to Section 54 of Act No. 435/2004 Coll., on employment, is being made after the effective date of this Act, the amount of unemployment benefit is determined in accordance with the legal regulations effective on the date of application for unemployment benefit and the amount of retraining benefit in accordance with the legal regulations effective on the date of commencing retraining.

3. The maximum amount of compensation for damage that has been caused to the operator by a child before the effective date of this Act is assessed in accordance with the existing legal regulations.

**Article L of Act No. 264/2006 Coll.**

**Transitional provisions**

Administrative proceedings in matters relating to fulfilment of duties under Section 13 of Act No. 435/2004 Coll., as amended by Act No. 264/2006 Coll., initiated and still pending final and enforceable decision before the effective date of this Act are completed in accordance with existing legal regulations.

**Article III of Act No. 213/2007 Coll.**

**Transitional provisions**

The period of time when, before the effective date of this Act, a job seeker personally took care of a person referred to in Section 41(3)(e) and (f) of Act No. 435/2004 Coll., as amended by Act No. 264/2006 Coll., is also considered to be a substitute period of employment according to Section 41(3) of Act No. 435/2004 Coll., on employment, as amended by this Act

**Article LX of Act No. 261/2007 Coll.**

**Transitional provisions**

1. Proceedings on unemployment benefit and retraining benefit which are still pending final and enforceable decision before 1 January 2008 are completed pursuant to the legal regulations effective on 31 December 2007.

2. Provision of the contribution for employment of persons with disabilities for the fourth calendar quarter of 2007 is governed by the legal regulations effective on 31 December 2007.

**Article XXVII of Act No. 306/2008 Coll.**

**Transitional provisions**

1. The receipt of full disability pension before 1 January 2010 is also considered to be a substitute period of employment according to Section 41(3)(b) of Act No. 435/2004 Coll., on employment, as effective from the effective date of this Act.

2. From 1 January 2010, a natural person who was on 31 December 2009 fully disabled in accordance with Section 39(1)(b) of Act No. 155/1995 Coll., on pension insurance, is also considered to be a natural person who is disabled in the third degree and is capable of gainful activity under extraordinary conditions.
1. Proceedings which are still pending final and enforceable decision on the effective date of this Act are completed pursuant to Act No. 435/2004 Coll., on employment, as effective before the effective date of this Act, except for the proceedings to issue work permits which are completed pursuant to Act No. 435/2004 Coll., on employment, as effective from the effective date of this Act.

2. The rights and duties arising from the agreements on provision of bridging allowance and travel allowance concluded before the effective date of this Act are assessed pursuant to Act No. 435/2004 Coll., on employment, as effective from the effective date of this Act.

3. Where provision of unemployment benefit or retraining benefit stopped because the job seeker receives sickness insurance benefit from the contributions to sickness insurance paid in relation to activities pursuant to Section 25(3) or employment pursuant to Section 25(5) of Act No. 435/2004 Coll., on employment, as effective before the effective date of this Act, its provision resumes from the instalment of unemployment benefit or retraining benefit due for the first month after the effective date of this Act.

4. Reckoning of period of removal from the register of job seekers into the support period pursuant to Section 47 of Act No. 435/2004 Coll., on employment, as effective before the effective date of this Act, is, for job seekers, who were removed from the register of job seekers before the effective date of this Act, governed pursuant to the Act No. 435/2004 Coll., on employment, as effective before the effective date of this Act.

5. When assessing claims for unemployment benefit pursuant to Section 39(2)(b) of Act No. 435/2004 Coll., on employment, as effective from the effective date of this Act, the termination of employment before the effective date of this Act is not taken into account.

6. The Ministry of Labour and Social Affairs may withdraw a permit for employment intermediation issued to a legal or natural person pursuant to Act No. 435/2004 Coll., on employment, as effective before the effective date of this Act, in case that the Ministry of Interior in the period of validity of this permit expresses disagreement with the issued permit for employment intermediation.

7. Certificate of completion of retraining issued by an accredited facility, or training or health facility with accredited training programme before the effective date of this Act is considered a retraining certificate issued pursuant to Section 108(2) and (5) of Act No. 435/2004 Coll., as effective from the effective date of this Act.

8. Facility, which obtained accreditation from the Ministry of Education, Youth and Sports to provide retraining pursuant to Act No. 435/2004 Coll., on employment, as effective before the effective date of this Act, is, for the period of validity of this accreditation, considered a facility with accredited training programme pursuant to Act No. 435/2004 Coll., on employment, as effective from the effective date of this Act.

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Article IV of Act No. 479/2008 Coll.

**Transitional provisions**

1. Health assessments initiated pursuant to Section 8(1)(m) and (n) of Act No. 435/2004 Coll., on employment, as effective before the effective date of this Act, and pending a decision on the effective date of this Act, are completed by the competent District Social Security Administration in accordance with the existing legal regulations. The time limit to issue an opinion in such cases is extended by 30 working days from the effective date of this Act.

2. Labour Offices pass the assessment files kept to 30 June 2009, free of charge, till 30 June 2009, to the District Social Security Administrations competent according to territorial competence of the Labour Office.

3. The exercise of rights and duties arising from labour-law relationships of the employees of the Labour Offices who, on June 30 2009, perform the tasks related to health assessment and performance of related activities, pass on 1 July 2009 to the Czech Social Security Administration.

4. Labour Offices agree with their employees provided in subparagraph 3 the passage of exercise of the rights and duties arising from labour-law relationships to the Czech Social Security Administration. The delimitation performed in this manner is binding. In the absence of an agreement under the first sentence by 31 March 2009, the Ministry of Labour and Social Affairs provides the number of employees of the Labour Offices of the Czech Republic subject to, and rules of, delimitation.

5. Provision of the contribution for employment of persons with disabilities for the fourth calendar quarter of 2008 is governed by the legal regulations effective on 31 December 2008.
Article XI of Act No. 158/2009 Coll.

Proceedings of provision of the contribution for employment of persons with disabilities which are still pending final and enforceable decision on the effective date of this Act are completed pursuant to Act No. 435/2004 Coll., as effective before the effective date of this Act.

Article IV of Act No. 326/2009 Coll.

Transitional provisions

1. The amount of unemployment benefit, the amount of retraining benefit and the lengths of support period for a job seeker, whose support period provided in accordance with Act No. 435/2004 Coll., as effective before 1 November 2009, has not expired as of 1 November 2009, shall be adjusted with effect from 1 November 2009 in accordance with Act 435/2004 Coll., as effective from 1 November 2009. The Labour Office shall decide on adjustment of the amount of unemployment benefit, the amount of retraining benefit and the lengths of support period.

2. Proceedings which are still pending final and enforceable decision on 1 November 2009 are completed in accordance with Act No. 435/2004 Coll., as effective on 1 November 2009.

3. Proceedings which are still pending final and enforceable decision on 31 December 2010 are completed in accordance with Act No. 435/2004 Coll., as effective on 31 December 2010.

4. Claims pursuant to Section 50a of the Employment Act granted before 1 January 2011 remain unchanged even after 1 January 2011.

Article LVI of Act No. 223/2009 Coll.

Transitional provisions

Proceeding to issue permit for employment intermediation which are still pending final and enforceable decision on the effective date of this Act are completed and the related rights and duties are assessed pursuant to Act No. 435/2004 Coll., on employment, as effective before the effective date of this Act.

Article II of Act No. 149/2010 Coll.

Transitional provisions

Provision of the contribution for employment of persons with disabilities for the period before the effective date of this Act is governed by the legal regulations effective before the effective date of this Act.

Article X of Act No. 347/2010 Coll.

repealed

Article II of Act No. 367/2011 Coll.

Transitional provisions

1. When assessing obstacles in inclusion to register of job seekers pursuant to Section 25(8) of Act No. 435/2004 Coll., as effective from the effective date of this Act, the termination of employment intermediated by the Regional Branch of the Labour Office before the effective date of this Act is disregarded.

2. Insurance contracts pursuant to Section 58a of Act No. 435/2004 Coll., as effective before the effective date of this Act, are valid for the period of time for which they were agreed.

3. Proceedings on the recognition of disadvantaged persons which are still pending final and enforceable decision on the effective date of this Act are completed and the related rights and obligations are assessed pursuant to Act No. 435/2004 Coll., as effective on the date of filing the application for the recognition of disadvantaged person.

4. Decisions on the recognition of disadvantaged persons, issued before the effective date of this Act apply for the period of time for which they were issued, but no longer than until 1 January 2015. Within the period of validity of these decisions the disadvantaged persons are considered, for the purposes of employment, to be persons with disabilities in
accordance with Section 67(2)(b) of Act No. 435/2004 Coll., on employment, as effective from 1 January 2012.

5. The rights and duties arising from agreements on provision of the contribution to create protected workplace and from agreements on provision of the contribution to partially cover the operating costs of a protected workplace, concluded before the effective date of this Act, are assessed pursuant to Act No. 435/2004 Coll., as effective before the effective date of this Act.

6. Jobs for persons with disabilities in the protected workplace, created or defined by agreement between the employer and the Labour Office, are considered, from the effective date of this Act, as protected jobs.

7. Period of 12 months pursuant to Section 76(1) of Act No. 435/2004 Coll., as effective from the effective date of this Act, does not apply to employers, who have operated protected job or protected jobs continuously for at least 12 months before the effective date of this Act.

8. Provision of the contribution for employment of persons with disabilities for the last calendar quarter preceding the effective date of this Act and for the two calendar quarters following the effective date of this Act are governed by the Act No. 435/2004 Coll., as effective before the effective date of this Act.

9. Proceedings on provision of the contribution for employment of persons with disabilities which are still pending final and enforceable decision on the last day of second calendar quarter following the effective date of this Act are concluded pursuant to Act No. 435/2004 Coll., as effective before the effective date of this Act.

10. Conclusion of agreements on the definition of protected jobs in the first and second calendar quarter following the effective date of this Act is decisive for the eligibility and the amount of support pursuant to Section 78(2) of Act No. 435/2004 Coll., as effective from the effective date of this Act, and provided for the third calendar quarter following the effective date of this Act, if they do not already have character of protected job based on a previously concluded agreement on creation of a protected job, or an agreement on creation and definition of a protected workplace.

11. Period of 12 months pursuant to Section 78(3) of the Act No. 435/2004 Coll., as effective from the effective date of this Act does not apply to employers who, in the last two calendar quarters before the effective date of this Act, and in the first two calendar quarters after the effective date of this Act, employed the average adjusted number of more than 50% of persons with disabilities.

12. The rights and duties arising from the agreements pursuant to Section 308 of the Labour Code, on temporary assignment of employees of employment agency to perform work at the user, concluded before the effective date of this Act are assessed pursuant to Act No. 435/2004 Coll., as effective before the effective date of this Act.

13. Fulfilment of the mandatory share for the year preceding the effective date of this Act is governed by the Act No. 435/2004 Coll., as effective before the effective date of this Act.

14. Contributions to the state budget pursuant to Section 82 (4) of Act No. 435/2004 Coll., as effective before the effective date of this Act, and not recovered until the effective date of this Act are further enforced by Act No. 435/2004 Coll., as effective from the effective date of this Act.

15. The competent Regional Labour Inspectorates complete, in accordance with the existing legal regulations, inspections and administrative proceedings concerning the imposition of fines for misdemeanours and administrative offences initiated before the effective date of this Act by the Regional Branch of the Labour Office. The State Labour Inspection Office completes, in accordance with the existing legal regulations, administrative proceedings initiated or conducted by the Ministry before the effective date of this Act. The time limits to issue a decision under the first and second sentence are extend by 30 days.

Article XLIII of Act No. 420/2011 Coll.

Transitional provisions

1. Proceedings on applications for permits for employment intermediation which are still pending final and enforceable decision before the effective date of this Act are completed pursuant to Act No. 435/2004 Coll., as effective from the effective date of this Act.

2. Legal persons with registered office outside the territory of the Czech Republic, who have been issued permit for employment intermediation before the effective date of this Act, are obliged to prove within 3 months from the effective date of this Act to the General Directorate of the Labour Office their integrity in the manner specified under Section 60(7) of Act No. 435/2004 Coll., as effective from the effective date of this Act; otherwise the Directorate General of
the Labour Office withdraws the permit for employment intermediation.

Article II of Act No. 1/2012 Coll.

Transitional provisions

1. Obligation to repay the investment incentives provided pursuant to Section 111, and the contributions to the instruments and active employment policy measures pursuant to Section 75 and 76, Sections 112 to 114, Section 116 and Section 117, as well as the contributions pursuant to Section 78 of Act No. 435/2004 Coll., as effective from the effective date of this Act, shall not apply in relation to agreements on the provision of the investment incentives or the contribution concluded before the effective date of this Act.

2. The legal and natural persons who employed foreigner nationals before the effective date of this Act are obliged to fulfil the obligations pursuant to Section 87(1), Section 102(3) and Section 136 of Act No. 435/2004 Coll., as effective from the effective date of this Act, in the time limit of 3 months from the effective date of this Act.

Article VIII of Act No. 306/2013 Coll.

Transitional provisions

1. A person who was issued the social system card and who receives the unemployment benefit, retraining benefit or compensation pursuant to Section 44b of Act No. 435/2004 Coll. in a method pursuant to Section 53(1) first sentence of Act No. 435/2004 Coll., as effective before the effective date of this Act shall be invited in writing by the Regional Branch of the Labour Office of the Czech Republic, within 1 calendar month from the effective date of this Act, to communicate the method of payment of the benefit or compensation following the cancellation of the social system card.

2. The Regional Branch of the Labour Office of the Czech Republic is obliged to change the method of payment of unemployment benefit, retraining benefit or compensation pursuant to Section 44b of Act No. 435/2004 Coll. within 2 months from the date of the communication referred to in subparagraph 1.

3. If a person does not communicate to the Regional Branch of the Labour Office of the Czech Republic the method of payment of benefit or compensation in accordance with subparagraph 1 within 3 calendar months from the effective date of this Act, the benefit or compensation shall be paid, from the date determined by the Regional Branch of the Labour Office of the Czech Republic, but no later than from the sixth calendar month following the effective date of this Act, to the account last communicated to the Labour Office of the Czech Republic by the recipient of the benefit or compensation, and, in the absence of such account, shall be paid by postal order.

Article LXII of Act No. 64/2014 Coll.

Transitional provisions

Administrative proceedings considering the imposition of a disciplinary fines still pending final and enforceable decision before the effective date of this Act are completed in accordance with existing legal regulations.

Article IV of Act No. 101/2014 Coll.

Transitional provisions

1. Proceedings to issue work permit or proceedings to extend the validity of work permit still pending final and enforceable decision on the effective date of this Act are completed, and the related rights and duties are assessed, pursuant to Act No. 435/2004 Coll., as effective before the effective date of this Act.

2. A foreign national who has been issued a green card pursuant to Act No. 326/1999 Coll., on the residence of foreigners in the Czech Republic and amending certain acts, as effective before the effective date of this Act may be employed until the expiration of the card.

3. Information duty of the employer pursuant to Section 88 of Act No. 435/2004 Coll. also applies to foreigner nationals who, from the effective date of this Act, continue to be employed based on their green card.

Article II of Act No. 136/2014 Coll.
1. Natural person who, in accordance with Article II, subparagraph 4, second sentence of Act No. 367/2011 Coll., is considered a person with disability in accordance with Section 67(2)(b) of Act No. 435/2004 Coll., as effective from 1 January 2012, is considered, from the effective date of this Act until the expiry date of the decision on recognition of disadvantaged person issued before 1 January 2012, as disadvantaged person pursuant to Section 67(2)(c) of Act No. 435/2004 Coll., as effective from the effective date of this Act.

2. Fulfilment of the mandatory share for the year preceding the effective date of this Act is governed by the Act No. 435/2004 Coll., as effective before the effective date of this Act.

3. Administrative proceedings on whether the liability pursuant to Section 141a(1) of Act No. 435/2004 Coll., as effective before the effective date of this Act, or Section 141b(3) of Act No. 435/2004 Coll., as effective before the effective date of this Act, came into being and who is a guarantor, which are still pending final and enforceable decision before the effective date of this Act are completed by the State Labour Inspection Office or the competent Regional Labour Inspectorate pursuant to Act No. 435/2004 Coll., as effective before the effective date of this Act.

4. Provision of the contribution pursuant to Section 78(2) of Act No. 435/2004 Coll., as effective before the effective date of this Act, and its increase pursuant to Section 78(3) of Act No. 435/2004 Coll., as effective before the effective date of this Act, for the last calendar quarter preceding the effective date of this Act, is governed by the Act No. 435/2004 Coll., as effective before the effective date of this Act.

5. Administrative proceedings on provision of the contribution to support the employment of people with disabilities in a protected workplace pursuant to Section 78 of Act No. 435/2004 Coll., as effective before the effective date of this Act, still pending final and enforceable decision before the effective date of this Act are completed pursuant to Act No. 435/2004 Coll., as effective before the effective date of this Act.

6. Period of 12 months pursuant to Section 78(3) of Act No. 435/2004 Coll., as effective before the effective date of this Act, applies from the effective date of this Act to all employers.

Article VI of Act No. 84/2015 Coll.

Transitional provisions

For the promise of investment incentives provided in proceedings pursuant to Act No. 72/2000 Coll., on investment incentives, initiated before the effective date of this Act, Act No. 435/2004 Coll., as effective before the effective date of this Act, shall apply.

Article II of Act No. 203/2015 Coll.

Transitional provisions

1. Proceedings on the applications for unemployment benefit which are still pending final and enforceable decision before the effective date of this Act are completed pursuant to Act No. 435/2004 Coll., as effective from the effective date of this Act.

2. The existing state publicly co-funded organization Fund for Continuing Education, formed by the Ministry of Labour and Social Affairs, becomes, on the effective date of this Act, a state publicly co-funded organization pursuant to Section 6 of Act No. 435/2004 Coll., as effective from the effective date of this Act.

3. Provision of the allowance to partially cover the operating costs of a protected workplace pursuant to Section 76(1) of Act No. 435/2004 Coll., as effective before the effective date of this Act, is governed in accordance with Act No. 435/2004 Coll., as effective before the effective date of this Act.

4. Provision of the contribution pursuant to Section 78(2) of Act No. 435/2004 Coll., as effective before the effective date of this Act, and its increase pursuant to Section 78(3) of Act No. 435/2004 Coll., as effective before the effective date of this Act, for the last calendar quarter preceding the effective date of this Act, is governed by the Act No. 435/2004 Coll., as effective before the effective date of this Act.

5. Administrative proceedings on provision of the contribution to support the employment of people with disabilities in a protected workplace pursuant to Section 78 of Act No. 435/2004 Coll., as effective before the effective date of this Act, still pending final and enforceable decision before the effective date of this Act are completed pursuant to Act No. 435/2004 Coll., as effective before the effective date of this Act.


(2) Section 11 of the Labour Code.

(3) Act No. 326/1999 Coll., on the residence of foreign nationals in the territory of the Czech Republic and amending certain acts, as amended.

(3a) Section 8 of Act No. 108/2006 Coll., on social services.

(4) Section 8(1) of the Labour Code.

(5) For example, Section 21 of the Commercial Code.

(6) For example, Act No. 126/2000 Coll., on municipalities (Municipal Order), as amended, Act No. 129/2000 Coll., on regions (Regional Order), as amended.

(7) Section 15a and 180f of Act No. 326/1999 Coll., on the residence of foreign nationals in the territory of the Czech Republic and amending certain acts, as amended.

(8) Section 2(2) of the Commercial Code.

(9) Act No. 561/2004 Coll., on pre-school, basic, secondary, higher vocational and other education (Education Act), as amended.

Act No. 111/1998 Coll., on higher education institutions and amending and supplementing other acts (the Higher Education Act), as amended.

9b) Act No. 222/2009 Coll., on the free movement of services.

(11) Decree No. 564/2002 Coll., on definition of regions of the Czech Republic and districts of the City of Prague.

(12) Act No. 111/2006 Coll., on assistance in material need, as amended.

(13) For example, Act No. 118/2000 Coll., on the protection of workers in the case of the employer's insolvency and amending other acts,
as amended.

(14) Decree No. 134/1998 Coll., publishing the list of health services with point values, as amended

(14a) Act No. 526/1990 Coll., on prices, as amended.


(17) Article 43 and following of the Treaty establishing the European Community.

(18) Article 49 and following of the Treaty establishing the European Community.


(21) Act No. 589/1992 Coll., on social security insurance and state employment policy contributions, as amended.

(22) Section 11 of the Labour Code.

(23) Act No. 373/2011 Coll., on specific health services.

(24) Act No. 372/2011 Coll., on health services and conditions for their provision (the Health Services Act).

(27) Section 9 of Act No. 155/1995 Coll., on pension insurance.


(29) Section 70 et seq. of the Commercial Code.


(32g) Section 11(1)(a) and Subsection 2 of Act No. 155/1995 Coll.

(33) Section 55(1)(b) and section 52(g) of the Labour Code.

(34) Section 131 et seq. of Act No. 221/1999 Coll., on professional soldiers, as amended.

Section 157 et seq. of Act No. 361/2003 Coll., on the service of members of the security forces, as amended.


(35a) Act No.198/2002 Coll., on volunteer service and amending other acts (the Volunteer Service Act), as amended.

(35b) Act No. 111/2006 Coll., on assistance in material need, as amended.

(36) Section 52(a) to (c) of the Labour Code.

(37) Section 275 of the Labour Code.

(38) Act No. 1/1992 Coll., on wages, remuneration for standby duty and on average earnings, as amended.


(39a) Act No. 269/1994 Coll., on the Criminal Register, as amended.

(40) For example, Act No. 358/1992 Coll., on notaries and their activities (Notarial Code), as amended, Act No. 41/1993 Coll., on verification of compliance with transcripts or copies of the document and signature authentication of local authorities and issuance of certificates by municipalities and district authorities, as amended.

(41) Act No. 634/2004 Coll., on administrative fees, as amended.

(41a) Section 8(1)(c) of Act No. 582/1991 Coll., on organisation and implementation of social security, as amended by Act No. 479/2008 Coll.
(42) Section 38a(2) of the Labour Code.

(42a) Act No. 309/2006 Coll., stipulating further requirements for health and safety at work in labour relations and concerning occupational health and safety protection in activities or services provided outside labour relations (Act on Further Requirements on Occupational Health and Safety), as amended by Act No. 362/2007 Coll.

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

(44) Section 44a(4)(c) of Act No. 218/2000 Coll., on budgetary rules and amending certain related acts (Budgetary Rules), as amended by Act No. 482/2004 Coll.

(45) Section 44a(4)(a) and (b) of Act No. 218/2000 Coll., as amended by Act No. 482/2004 Coll.


(51) Act No. 325/1999 Coll., on asylum, as amended.

(52) Section 5 of Act No. 310/1999 Coll., on the stay of foreign armed forces in the territory of the Czech Republic.

(52b) Section 45c of Act No. 326/1999 Coll., as amended by Act No. 161/2006 Coll.

(52c) Act No. 341/2005 Coll., on public research institutions.

(52d) For example, Act No. 96/2004 Coll., on conditions of obtaining and recognizing qualifications for non-medical health care professions and activities related to the provision of health care and amending certain related acts (Act on Non-medical Health Care Professions), as amended, Act No. 108/2006 Coll., on social services, as amended.

(52e) Act No. 561/2004 Coll., as amended.

(52f) Act No. 561/2004 Coll., as amended.

Act No. 179/2006 Coll., on verification and recognition of further education results and amending certain acts (Act on Recognition of Further Education Results), as amended.


(52g) For example, Decree No. 50/1978 Coll., on professional competence in electrical engineering, as amended by Decree No. 96/1982 Coll., Decree No. 77/1965 Coll., on training, qualification and registration of operators of construction machinery.

(53) Act No. 96/2004 Coll., on conditions of obtaining and recognizing qualifications for non-medical health care professions and activities related to the provision of health care and amending certain related acts (Act on Non-medical Health Care Professions).

(54) Section 141a of the Labour Code.

Decree No. 140/1968 Coll., on work concessions and economic security for persons studying concurrent to employment, as amended by Act No. 188/1988 Coll. and Decree No. 197/1994 Coll.


(56) Act No. 131/1994 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 amending certain acts (Copyright Act).


(64) Act No. 320/2001 Coll., on financial audit in public administration and amending certain acts (Financial Audit Act), as amended.

Section 44 of Act No. 218/2000 Coll., as amended.

Act No. 185/2004 Coll., on customs administration, as amended.

Act No. 251/2005 Coll., on labour inspection, as amended.


(68) Section 266 of the Labour Code.

(69) Section 7(3) of Act No. 71/1967 Coll.

(70) Act No. 63/1988 Coll., on mining activities, explosives and state mining administration, as amended.

(71) Section 33(3) of the Labour Code.

(71a) For example, Section 8 of the Criminal Code.


(73) Section 67 of the Labour Code.

(74) Section 131 et seq. of Act No. 221/1999 Coll., on professional soldiers, as amended.

Section 157 et seq. of Act No. 361/2003 Coll., on the service of members of the security forces, as amended.


(76) Section 2 of Act No. 73/2011 Coll.

(77) Section 8a of Act No. 365/2000 Coll., on public administration information systems and amending certain other acts, as amended by Act No. 130/2008 Coll., and Act No. 190/2009 Coll.

(78) Section 3 of Act No. 251/2005 Coll., on labour inspection, as amended.

(79) Section 52(h) of the Labour Code.


(81) Section 2 of the Labour Code.

(82) Section 3 of the Labour Code.


(85) Section 356 of the Labour Code.


(87) Section 136 of Act No. 182/2006 Coll., on insolvency and methods of its resolution (Insolvency Act), as amended.

(88) Section 39(2)(a) and (b) of Act No. 155/1995 Coll., as amended.


(90) Act No. 592/1992 Coll., on public health insurance contributions, as amended.

(91) Section 111 of the Labour Code.

(92) Act No. 418/2011 Coll., on criminal liability of legal persons and proceedings against them.

(93) Act No. 312/2002 Coll., on officials of territorial self-governing units and amending certain acts, as amended.

(95) Section 178b(4) of Act No. 326/1999 Coll., as amended.

(96) Act No. 258/2000 Coll., on public health protection and amending certain acts, as amended.

(97) Act No. 187/2006 Coll., on sickness insurance, as amended.

(99) Section 79 of the Labour Code.