



HR Legal Alert

14 May 2020

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End of state of emergency and occupational health checks

In previous HR Legal Alerts, we informed you about the issue of two (practically identical) crisis measures concerning relief in fulfilling the obligation to perform some occupational health checks during the state of emergency [Government Resolution No. 280 dated 23 March 2020 (promulgated under No. 127/2020 Coll.) (“**Resolution II**”) which replaced the Government Resolution No. 214 dated 15 March 2020 (promulgated under No. 84/2020 Coll.) (“**Resolution I**”)].

Entry and periodic check-ups as of 14 May 2020

On 11 May 2020, the Government issued Resolution No. 538 (promulgated under No. 236/2020 Coll.) which, *inter alia*, specified the period of validity of affidavits replacing the entry check-up and the period of validity of occupational health checks that expired during the state of emergency. The Government further stipulated, that with effect as of 14 May 2020 it was not possible to

- ▶ replace the entry check-up with an affidavit or
- ▶ perform periodic check-ups.

The full text of the Government Resolution is available at this [webpage](#).

Prolongation of validity of medical certificates and affidavits after the end of the state of emergency

On 13 May 2020, the Ministry of Health of the Czech Republic issued an extraordinary measure („**Measure**“) (the full wording of which is available at this [webpage](#)), in order to ensure that employees whose validity of medical check-ups or affidavits expired on 17 May 2020 do not automatically, as of 18 May 2020, become unfit to perform work (unless a new medical certificate with appropriate conclusion has been issued in the meantime). Based on this Measure, the **validity of affidavits** replacing the entry check-ups is prolonged under the conditions specified in Resolution I and Resolution II by:

- ▶ **90 days** from the day following the end of the state of emergency provided that the employee performs **work included in the first and second categories** according to the Public Health Protection Act, and
- ▶ **30 days** from the day following the end of the state of emergency:
 - provided that work is included in the **second risk, third and fourth categories**,
 - for certain work with a risk of danger,
 - for work performed pursuant to other legal regulations.

Within the above deadlines, an entry check-up should be performed at the employer's request. We assume that the medical certificate should also come into effect



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within the above-mentioned deadlines.

The Measure also concerns the validity of medical certificates issued on the basis of entry and periodic check-ups which expired during the state of emergency, and is thus extended by:

- ▶ **90 days** from the day following the end of the state of emergency provided that the examined person was found **fit to work**, or
- ▶ **30 days** from the day following the end of the state of emergency, provided that the examined person was found **conditionally fit to work**.

Under similar conditions, the validity of medical certificates issued in the course of some extraordinary check-ups shall be also prolonged.

Although doubts may arise as to whether the Measure is an appropriate form for prolongation of the validity of the medical certificates, we assume that this will allow employers to remedy delays in occupational health checks which may have occurred, for example, as a result of restrictions on care by occupational health service providers.

The information contained in this bulletin is presented to the best of our knowledge and belief at the time of going to press. However, specific information related to the topics covered in this bulletin should be consulted before any decision is made. At the same time, the information contained in this bulletin should not be construed as an exhaustive description of the relevant issues and any possible consequences. Furthermore, it should be noted that there are various legal opinions on some of the issues raised in this bulletin due to the ambiguity of the relevant provisions. It cannot therefore be ruled out that in the future an interpretation other than the one we give us will prevail.

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