

Legal Alert

in the field of labour law

26 January 2021

Weinhold Legal

Labour law measures in connection with the COVID-19 pandemic

Extention of the Antivirus program

On 21 December 2020, on the proposal of the Minister of Labour and Social Affairs Jana Maláčová, the Government approved the extension of the Antivirus program until the end of February 2021. The reason for the extension is the inauspicious epidemic situation and the ongoing legislative process of adjusting short-time working, which should substitute the Antivirus program.

The extension applies to the modes of the **Antivirus program A** – compensation of 80% of wages and statutory fees of employees due to their quarantine, **B** - compensation of 60 % of wages and statutory fees of employees due to work obstacles on the part of the employer arising indirectly as a result of the coronavirus crisis (eg. missing subdelivery, decrease in demand for products or lack of employees in the operation) in the amount of, and **A plus** - compensation of 100 % of wages and statutory fees of employees due to forced closure of an establishment.

The Government will thus continue to support, under the same conditions, the maintenance of jobs by employers who are directly and indirectly affected by the current inauspicious situation. The full text of this resolution is available [here](#).

Reintroduction of sworn statement instead of initial medical examinations

On 18 January 2021, the Government adopted a resolution reintroducing, with effect from 19 January 2021, for the duration of the state of emergency, the possibility of replacing certain compulsory medical examinations with a sworn statement.

This decision follows Government Resolution No. 1049 of 16 October 2020, as amended by Government Resolution No. 1291 of

7 December 2020, which introduced and subsequently re-drestricted these exemptions from 19 October 2020.

The exceptions concern primarily the following areas:

- ▶ initial medical examinations,
 - the possibility for persons not performing risky work, whose employment relationship will arise in the period from the announcement of this resolution to the period of termination of the state of emergency, to replace the initial assessment of medical capability by a doctor, resp. a medical certificate with a sworn statement (replacement of the initial medical examination with a declaration was not possible when an employment relationship was established from 1 January to 18 January 2021);
 - this sworn statement is valid for a maximum of 90 days from the day following the day on which the state of emergency ends;
- ▶ periodic medical examinations
 - they do not have to be carried out within the set time limit during the state of emergency; and
- ▶ medical reports which expire during the state of emergency, which shall be extended for the following periods of time;
 - 90 days from the day following the day of termination of the state of emergency, if the conclusion of the medical report states that the assessed person is medically fit for the purpose for which he / she was assessed,
 - 30 days if concluding eligibility with conditions.

The full text of this resolution is available [here](#).

Border crossing measures

On 4 January 2021, the Ministry of Health approved a protective measure which, with effect from 5 January 2021, prolongs the existence of certain obligations related to the crossing of the state border of the Czech Republic (continuously the following obligations apply from 1 July 2020 and in a modified form this date).

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Whoever accepts foreigners in the Czech Republic for the purpose of their economic or educational activities and who entered the Czech Republic after 1 July 2020 must provide them with:

- ▶ accommodation for the entire period of their stay in the Czech Republic, including the place where the quarantine measure will be carried out in case of its order by the public health protection authority;
- ▶ health care or a registering provider of health services for the entire period of their stay in the Czech Republic;
- ▶ reimbursement of health care, unless otherwise provided, this does not apply in the case of a foreigner with a long-term residence permit; and
- ▶ return to their country of origin in the event of loss of the purpose of stay in the Czech Republic, unless otherwise provided, this does not apply if it is a foreigner with a long-term residence permit.

Employers and end-users of workers who are citizens of risk countries and who have resided for more than 12 hours in the last 14 days in the territory of those countries (with certain exceptions) **must not allow such persons to enter all the employer's premises and workplaces** unless they submit a negative result of RT-PCR test for the presence of SARS-CoV-2 from the territory of the Czech Republic. A test from an EU Member State can also be submitted but not older than 72 hours.

The full text of this resolution is available [here](#).

Obligation of notification

Employers with more than 25 employees are obliged to submit by 15 February 2021 a "**Notification on the fulfillment of the mandatory share of disabled persons employment for the year 2020**". More information can be found [here](#).

Employment agencies are obliged to submit an overview of the activities of the employment agency for the year 2020 by **31 January 2021**. More information can be found [here](#).

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. The information contained in this bulletin should not be construed as an exhaustive description of the relevant issues and any possible consequences, and should not be fully relied on in any decision-making processes or treated as a substitute for specific legal advice, which would be relevant to particular circumstances. Neither Weinhold Legal, v.o.s. advokátní kancelář nor any individual lawyer listed as an author of the information accepts any responsibility for any detriment which may arise from reliance on information published here. Furthermore, it should be noted that there may be various legal opinions on some of the issues raised in this bulletin due to the ambiguity of the relevant provisions and an interpretation other than the one we give us may prevail in the future.

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