



Legal Alert

In the field of labour law

October 22, 2021

Weinhold Legal

New measures to prevent the spread of COVID-19

At an emergency meeting on 20 October 2021, the Government of the Czech Republic approved three emergency measures of the Ministry of Health, which change existing or issue new so-called emergency measures. Some of these measures will also affect employers and employees.

From 25 October 2021, from 0:00, new rules on the wearing of respiratory protective equipment will enter into force (full text of the measure [here](#)).

From November 1, 2021, from 0:00, there will be a further restriction on retail sales and the provision of services (full text of the measure [here](#)); in particular, it complements the currently effective measure of 27 September 2021 (available [here](#)). Another change, which takes effect on November 1, 2021, is a change in testing the population for the presence of SARS CoV 2, and a change in the duration of the tests performed (full text of the measure [here](#)).

Wearing of respiratory protective equipment

Changes from Monday, October 25, 2021, from 0:00

Even under this new [measure](#), there is an obligation to protect the respiratory tract in the interior of buildings, which requires the use of a respirator or similar device (without exhalation valve) meeting at least all technical conditions and requirements, including filtration efficiency of at least 94% according to relevant standards (eg FFP2,

KN 95).

The obligation to protect the respiratory tract is newly established in all indoor areas of buildings, ie also in indoor areas where work is performed. An exception is situations where **individuals are at least 1.5 meters apart** (unless they are members of the same household). Furthermore, the prohibition of movement and residence in the interior of buildings without respiratory protective equipment (nose, mouth) does not apply to persons **during work at the workplace** or during other similar activities **for the period when they perform this activity in one place without the presence of another person**, unless otherwise specified by the employer on the basis of adopted and implemented hygienic, technical, organizational and other risk prevention measures. This means that, for example, persons who have a separate office do not have to have a respirator at the time of work.

There is also an exemption for persons who perform work classified by the decision of the competent public health authority in the third or fourth category for the risk factor of working conditions heat load, as well as persons who perform work that has not yet been categorized and who can be expected to due to the presence of a risk factor of working conditions, the heat load will fall into the third or fourth category. These persons are allowed to stay and move without nose and mouth protection.

This measure also stipulates the employer's obligation to equip employees with respirators in sufficient numbers for each work shift. An exception is a situation where such an employee does not come into physical contact with other persons during the performance of work (e.g. the performance of telework outside the employer's workplace).



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The exemption from the obligation to wear respiratory protection continues to apply to persons who, for serious health reasons, cannot wear a respirator or a mask and are able to prove this fact by a medical certificate. However, he must wear another protective device as specified in the medical certificate, unless the medical certificate expressly confirms that the person concerned cannot wear any respiratory protective device.

Other measures, that will affect some operations

Changes from Monday, November 1, 2021 from 0:00

The newly approved [emergency measure](#) amends the existing [emergency measure of 27 September 2021, File no. MZDR 14601/2021-25/MIN/KAN](#) and extends the restrictions on retail sales and provision of services.

With regard to the operation of catering services (including restaurants and cafes), music, dance, gaming and similar social clubs and discos, casinos and casinos, persons entering the premises are ordered to prove compliance with the so-called non-infectious condition, ie that the person underwent RT-PCR examination no later than 72 hours prior with negative results, or that they have passed a negative antigen test (RAT) with a negative result no later than 24 hours prior, or the person provides evidence of vaccination against covid-19 or laboratory-confirmed covid-19 disease that has not occurred for more than 180 days, or undergoes on-site a rapid antigen test (RAT) to determine the presence of SARS-CoV-2 virus antigen for self-testing (use by a lay person) with negative results.

Operators are obliged to check the fulfillment of the conditions for entry into the premises or, if the check on entry is not allowed by the operating conditions of the operator, at the latest before the provision of the service. In the event of non-compliance with these conditions, operators are prohibited from admitting such a person to the establishment and, if the inspection takes place before the service is provided, the operator is prohibited from providing the service to such a person. There is an exception to this obligation, for catering services that do not serve the public - so this obligation does not apply, for example, in canteens. Furthermore, it is not necessary to carry out the obligation to check infectivity when buying food to go, but food must not be consumed indoors or outdoors areas of the establishment.

The so-called food courts (in shopping centers with a sales area exceeding 5,000 m²) are also prohibited from catering for people who are unable to prove that they are non-infectious.

Return of an employee from abroad

Employees who have spent **more than 12 hours, or in the case of neighboring countries 24 hours, outside the Czech Republic**, are **obliged to continue to inform the employer of this fact**. The employer or the end-user of the worker must not be allowed to return to the workplace upon return, unless they show a negative coronavirus test. The obligation to prove with a negative test result does not apply to persons who prove that they are non-infectious - ie they prove that they are vaccinated or have suffered from COVID-19, but not more than 180 days ago.

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New rules for tests and their payment

From November 1, 2021, the payment of preventive tests will also be changed with respect to COVID-19. These will no longer be reimbursed to the general public by health insurance, but these free tests will only apply to people under the age of 18, fully vaccinated and people who have been vaccinated or who cannot be vaccinated. These individuals will continue to be able to take the antigen test once a week and the RT-PCR test twice a month. Tests that are not preventive, ie tests ordered by a hygiene or a doctor, will continue to be covered by health insurance.

The validity of the negative test, which serves as a confirmation of infectivity, will also be shortened. For antigenic RAT tests, it is reduced from 72 hours to 24 hours, for RT-PCR tests from 7 days to 72 hours.

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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