

Legal Alert

in the field of labour law

1 March 2022

Weinhold Legal

Armed conflict caused by the invasion of Ukraine by the Russian Federation

Call-up orders

In connection with the armed conflict in Ukraine, some citizens of Ukraine in the Czech Republic have been delivered call-up orders and therefore they are unable to perform work for their employers. The given situation can be assessed as an obstacle to work pursuant to Section 199 (1) of the Labour Code, i.e. in the category of other important obstacle to work, and according to the [MoLSA](#) an employer is obliged to excuse an employee's absence from work. It is up to the employer to decide whether or not to pay the employee's wages .

An obstacle to work does not affect the validity of the granted work permit, employee card or blue card. A person with a call-up order who has a valid work permit in the Czech Republic will be able to return to the Czech Republic and work there if he or she still has a valid work permit at that time, or undergoes the process described below.

Residence permits, possibility to work

In connection with the conflict in Ukraine, the Ministry of Interior has issued information for Ukrainian citizens who are now in the Czech Republic and who are now entering our territory, details can be found [here](#).

For persons already residing in the Czech Republic

The extension of long-term stays remains subject to the standard procedure at the workplace of the Department of Asylum and Migration Policy of the Ministry of the Interior ("DAMP MI").

In the event of an impending expiry of a **Schengen visa / seasonal visa / extraordinary work visa** in the next 14 days and impossibility to return to Ukraine due to the armed conflict, it is necessary for the person to come to the DAMP MI where he or she can apply for a **special long-term visa**.

If a person is not employed in the Czech Republic, he or she must apply for a work permit, but if he or she is employed, he or she can continue to work.

For newcomers

Anyone entering the Czech Republic must register with the Police of the Czech Republic, unless the accommodation provider does so on their behalf. It is thus possible to stay in the Czech Republic for 90 days (within any 180-day period) within visa-free travel.

If a person wants to participate in everyday life, it will be necessary to apply for a special long-term visa or a work permit.

Currently, the Ministry of the Interior does not recommend applying for asylum in the Czech Republic; it should be more expedient to apply for a special long-term visa.


After obtaining a special long-term visa, it is possible to

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apply for a work permit. If an employer has a vacancy reported to the Labour Office, the employer may conclude an employment contract with the applicant for the vacancy, which will be attached to the application for a work permit. The application is to be submitted at the regional branch of the Labour Office in the place competent according to the place of performance of the given work. The permit is issued for 2 years, even repeatedly. Details can be found [here](#).

Health insurance

As soon as the visa is granted for the purpose of the stay, the persons become a participant in the public health insurance system with full access to health care, with the Czech state paying the insurance premiums.

Visa-free resident of the Czech Republic should arrange commercial travel insurance.

Benefits in material need

Persons who have been granted a special long-term visa can apply for benefits in material need (allowance for living, supplement for housing) and for extraordinary immediate assistance. The application is to be submitted on a printed form in person at the Labour Office of the Czech Republic or electronically.

The above information is based on the actually published data, however, in view of the rapid development of the situation, we recommend verifying the above information on a daily basis, in particular on the websites of the [Ministry of Interior](#), [Ministry of Labour and Social Affairs](#) and the [Ministry of Health](#).

Entry into the territory of the Czech Republic – exception from covid measures

With effect from 25 February 2022, according to the [protective measure](#) of the Ministry of Health, citizens of Ukraine entering the Czech Republic from Ukraine and, similarly, EU citizens, including citizens of the Czech Republic, where they were under imminent threat of armed conflict, are exempt:

- ▶ from the ban on entry into the territory of the Czech Republic,
- ▶ from the obligation to fill in the Arrival Form before the start of the transport,
- ▶ from the obligation to have a SARS-CoV-2 test result, certificate of vaccination carried out or completed or a COVID-19 disease recovery certificate prior to the start of the transport and to present these upon request at the border or residence control, and
- ▶ from the obligation to undergo an RT-PCR test in the Czech Republic.

The same applies to persons transiting to another state of which they are citizens or in which they have a residence permit via the Czech Republic from Ukraine, where they were exposed to the threat of armed conflict immediately prior to their arrival and are only transiting through the territory of the Czech Republic to the another state. These persons are obliged to leave the Czech Republic within 48 hours of entry.

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Termination of comprehensive testing of employees

On 18 February 2022 the comprehensive extraordinary testing for SARS-CoV-2 at [employers and schools](#) ended. However, testing will continue to be performed every 7 days for employees of health and social care facilities, unless they are covered by one of the exceptions. Detail can be found [here](#).

Indoor respiratory protection

Although the epidemiological situation is improving, the obligation to wear respirators according to the extraordinary measure of the Ministry of Health 15757/2020-61/MIN/KAN still applies in the interiors of buildings, especially shops, service establishments, medical facilities, social services facilities and schools, and then in indoor spaces where 2 people move at a distance of less than 1.5 m. However, this month the rules in this area are expected to be changed and relaxed.

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.

For further information, please contact the partner / manager you are usually connected to.



Anna Bartůňková
Managing Attorney
Anna.Bartunkova@weinholdlegal.com



Eva Procházková
Attorney
Eva.Prochazkova@weinholdlegal.com



Daša Aradská
Attorney
Dasa.Aradska@weinholdlegal.com