Guide to Employment Disputes

01. Which courts deal with employment disputes?

Czechia

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Employment disputes are adjudicated within the general civil court system. In the first instance, such disputes are heard by the district courts. The regional courts act as appellate courts. Extraordinary appeals are decided by the Supreme Court, and where constitutionally guaranteed rights are alleged to have been infringed, a constitutional complaint may be lodged with the Constitutional Court.

The employee and the employer may also agree that certain disputes concerning remuneration may be resolved through arbitration proceedings, although this is generally limited to pecuniary claims capable of settlement.

Last updated on 30/04/2026

02. Is there a process to be followed before a claim can be issued?

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There is no specified legal process that must be followed according to the law.

However, with respect to an action for specific performance (eg, payment of a monetary amount or fulfilment of an obligation), it is advisable that the claimant serve the defendant with a pre-action notice at least seven days prior to commencement of the proceedings. Where the claimant is successful in proceedings for specific performance, they shall be entitled to reimbursement of the costs of the proceedings from the defendant only if the claimant had (at least seven days prior to filing the motion to initiate proceedings) duly served the defendant with a request for fulfilment at

the defendant’s delivery address or the defendant’s last known address.

Last updated on 30/04/2026

03. Is there a mandatory mediation or conciliation process before a claim can be issued?

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There is no mandatory mediation or conciliation process prior to the commencement of legal proceedings in the Czech Republic, even where the parties have expressly agreed to such procedure. Any failure to comply with such an agreement does not constitute a procedural impediment to the proceedings; accordingly, the court will not dismiss an action commenced without prior mediation or conciliation, as non-compliance amounts solely to a breach of contractual obligations between the parties.

If it is expedient and appropriate, the presiding judge may order the parties to attend an initial meeting with a registered mediator (hereinafter “mediator”) of up to three hours and suspend the proceedings, but for no longer than three months.

Last updated on 30/04/2026

04. Does the employee have to pay a fee to issue?

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The employee is obliged to pay the court fee for commencing an action pursuant to the Act on Court Fees.

A fee of 2,000 CZK (approximately 72 GBP) is payable for an action seeking a declaration of the invalidity of termination of employment. Court fees for monetary claims are 1,000 CZK for amounts up to 20,000 CZK, 5% of the amount up to 40,000,000 CZK, and 2,000,000 CZK plus 1% of the amount exceeding 40,000,000 CZK with any amount above 250,000,000 CZK disregarded for fee-calculation purposes. For an electronic payment order they are 400 CZK for amounts up to 10,000 CZK, 800 CZK for amounts up to 20,000 CZK, and 4% of the amount above that threshold; and for non-pecuniary damage they are 2,000 CZK for amounts up to 200,000 CZK and 1% of the amount exceeding 200,000 CZK. Such fees are applicable to both employers and employees.

An employee in proceedings for compensation for damage arising from a work accident or occupational disease is exempt from court fees.

In addition, upon the claimant’s request, the court may grant full or partial exemption from court fees if justified by the party’s circumstances and provided that the claim or defence is not arbitrary

or manifestly unsuccessful; full exemption is granted only exceptionally for particularly serious reasons.

Last updated on 30/04/2026

05. What are the time limits for bringing a claim?

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An action to determine the invalidity of the termination of employment must be filed within two months of the date on which the employment relationship was to end by such termination. An action to determine whether the conditions for concluding a fixed-term employment contract have been met must be filed within two months of the date on which the employment relationship was to end upon expiry of the agreed period.

In the cases of property rights (including monetary claims), an action must be brought within the general limitation period of three years from the date on which the right could have been exercised for the first time, but no later than 10 years from the date on which the claim became due. Otherwise, the other party may raise an objection that the claim is time-barred, and the court cannot award a time-barred claim. If the damage or harm was caused intentionally, the right to compensation shall become time-barred no later than 15 years from the date on which the damage or harm occurred.

An action to declare the election to the work councils or representative for occupational health and safety invalid must be filed within eight days from the date of announcement of the election results.

Where an employee disputes the content of an employment certificate or work assessment, they may apply to the court for an order directing the employer to make the appropriate amendments within three months from the date on which they became aware of its contents.

Last updated on 30/04/2026

06. Who can bring a claim – does someone have to be an employee or can contingent workers bring claims?

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Both employees and temporary workers (ie, persons working for an employer under agreements on work performed outside an employment relationship) have the right to bring an action, whether it concerns the recovery of a monetary amount or the determination of the invalidity of the termination of the employment relationship.

Last updated on 30/04/2026

07. How is a claim issued?

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Legal proceedings are commenced by filing a statement of claim with the competent district court, territorial jurisdiction being generally determined by the employer's registered office or the place of work.

A statement of claim must include the particulars stipulated by the Civil Code Procedure. The content of the statement of claim must satisfy the general requirements for a submission: it must be clear which court it is intended for, who is making it, which matter it concerns, what is being pursued by it, and it must be signed.

In the case of an action (lawsuit), such a court filing must also contain the first name, surname and residence of the parties, or their personal identification numbers or identification numbers; and, in the case of a legal entity, its business or corporate name, registered office and identification number, and, in the case of the state, the designation of the state and the relevant organisational unit acting before the court on its behalf; and, where applicable, also those of their representatives, a description of the decisive facts, the identification of the evidence relied upon by the claimant, and a clear statement of the relief sought.

The claimant is required to attach to the action the documentary evidence on which they rely, either in documentary or electronic form.

The presiding judge shall invite a party, by order, to correct or supplement the statement of claim that lacks the required particulars or is unclear or vague. The judge sets a time limit and instructs the party on the correction or supplementation should be made.

If the statement of claim is not properly corrected or supplemented despite the invitation and the proceedings cannot continue because of this defect, the court shall reject it by order. Other submissions are disregarded until properly corrected or supplemented. The party must be informed of these consequences.

The statement of claim must be submitted in writing (no special form is prescribed), either in paper or electronic form with a recognised electronic signature or through a data box.

The applicable court fee must be paid upon filing the claim, or within the time limit set by the court upon its request. Representation by a lawyer is not mandatory in labour disputes before the court of first or second instance, but it is recommended.

Last updated on 30/04/2026

08. Does the employer have to pay a fee to defend a claim?

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The employer does not have to pay a fee to defend a claim unless the defence includes a counterclaim.

Last updated on 30/04/2026

09. What initial steps does an employer have to take to defend a claim?

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After the statement of claim is delivered to the employer, the employer is requested by the court to file a written defence within time limit set by the court, stating the decisive factual allegations and identifying the evidence supporting them. It is advisable to consider settlement at an early stage if the employee's claim is well founded and to determine an appropriate litigation strategy.

Last updated on 30/04/2026

10. Are hearings held remotely or in person?

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Hearings are held in person. The entire hearing cannot be held remotely, ie, by means of videoconferencing equipment.

It is not necessary to order a hearing if the matter can be decided solely on the basis of documentary evidence submitted by the parties and the parties have waived their right to participate in the hearing or have agreed that the matter may be decided without a hearing.

The court may, upon a party's request or on its own initiative, carry out individual procedural acts by means of videoconference (in particular to enable the participation of a party or interpreter at a hearing or to examine a witness, expert, or party).

Proper verification of identity is required; in the case of an examination, it must be ensured that the person is not subject to any improper influence.

Last updated on 30/04/2026

11. Should an employer expect to attend any case management hearings ahead of the final liability hearing?

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The Czech legal system does not have a separate phase of case management hearings as in the Anglo-Saxon legal system. The court may hold a preparatory hearing if it considers that it will not be possible to decide the case in a single hearing, but in many cases the first hearing on the merits of the case is scheduled directly.

Last updated on 30/04/2026

12. Are any matters addressed as preliminary points ahead of the final liability hearing?

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Certain procedural issues may be addressed before the merits of the case are heard, but Czech proceedings do not have a formal “preliminary issues” phase as understood in the Anglo-Saxon system. In particular, procedural conditions, the timeliness of the commencement of the action, the statute of limitations or preclusion, or a partial (interim) decision on the basis of the claim may be dealt with as preliminary issues, with the amount of the claim being decided subsequently.

Last updated on 30/04/2026

13. Is there a duty to disclose documents to the other party, and what does this involve?

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The law does not impose any general obligation on a party to disclose documents to the other party. Each party is required to assert decisive facts and bears the burden of proof within the framework of its own procedural strategy. If a party decides not to present decisive facts or evidence, this may result in that party’s failure in the case. There is no obligation to disclose all relevant documents to the other party.

However, the court may impose an obligation on one party to produce a specifically identified document, and failure to comply with such a court order may result in the imposition of an order

fine.

The parties to the proceedings may inspect the court file and make copies of it, including copies of documentary evidence.

Last updated on 30/04/2026

14. Can documents be disclosed at any point in the proceedings?

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Relevant facts may be submitted, and evidence intended to prove them (documents) may be presented, usually until the conclusion of the first hearing in the matter (the principle of concentration), or, where applicable, within the time limit granted by the court to the parties for supplementing their statements and evidence. After concentration has occurred, the possibility of supplementing factual allegations and evidence is limited.

Last updated on 30/04/2026

15. Are there any implications of late disclosure?

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The court may consider facts and evidence submitted later only if they concern facts or evidence intended to challenge the credibility of the evidence already admitted, if they arose after the concentration of the proceedings, or if the party could not have submitted them in time through no fault of their own, as well as facts or evidence submitted by the parties following a court request to supplement decisive facts. The court cannot consider other facts and evidence submitted later.

Last updated on 30/04/2026

16. Are witnesses expected to give evidence in person?

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The witnesses are expected to give evidence in person. The court may use videoconferencing equipment for questioning a witness, but only at the request of a party or if it is otherwise expedient to do so.

Last updated on 30/04/2026

17. Can witness evidence be given from another country?

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If the court deems it necessary to prove decisive facts, a witness may testify from abroad, on the basis of a request (legal assistance) to the foreign judicial authorities to conduct the examination themselves – within the European Union on the basis of Regulation (EU) 2020/1783 of the European Parliament and of the Council of 25 November 2020 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (taking of evidence) (recast).

If the request concerns a state outside the EU (or a situation falling outside the scope of Regulation (EU) 2020/1783), the Czech Republic is also a contracting party to the 1970 Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters. Where that Convention does not apply, the procedure is governed by any applicable bilateral treaty on legal assistance. If no relevant multilateral or bilateral treaty applies, the request may be transmitted through the Czech diplomatic mission abroad.

Last updated on 30/04/2026

18. What remedies are available?

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The following remedies are available in labour disputes, especially:

- determination of the validity or invalidity of the termination of employment based on a notice, immediate termination, etc.;
- compensation for wages or salary:
  - in the event of invalid termination of employment;
  - in the event of obstacles on the part of the employer;
  - in the event of unequal treatment;
- payment of unpaid wages, bonuses, severance pay, and other financial benefits to which the employee is entitled;
- compensation for damages:
  - compensation for actual damages or lost profits

- compensation for non-pecuniary damage:
  - especially in cases of discrimination or interference with the employee's personal rights;
- a court-ordered apology; and
- an order to amend a reference or employment certificate.

The employer is obliged to compensate the employee for damage or non-pecuniary harm in money if the damage cannot be remedied by restoring the previous state.

Last updated on 30/04/2026

19. Is compensation unlimited?

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Disputes concerning damages

An employee is obliged to compensate the employer for damage caused by a culpable breach of duties in the performance of work tasks or in direct connection with them. If the damage was also caused by a breach of duties on the part of the employer, the employee's obligation to compensate for the damage shall be reduced proportionally.

The amount of compensation claimed for damage caused by an employee’s negligence may not exceed, for an individual employee, an amount equal to four and a half times their average monthly earnings before the breach of duty that caused the damage. This limitation does not apply if the damage was caused intentionally, while intoxicated, or following the abuse of other addictive substances. In the case of damage caused intentionally, the employer may also claim compensation for lost profits in addition to this amount. An employee who is obliged to compensate for damage caused by a shortfall in entrusted values or by the loss of entrusted items is obliged to compensate for this damage in full.

For reasons worthy of special consideration, the court may reduce the amount of compensation for damage appropriately. The employer is obliged to compensate the employee for damage incurred in the performance of work tasks or in direct connection therewith, where such damage results from breach of legal obligations or intentional conduct contrary to good morals, as well as for damage caused to the employee by a breach of legal obligations in the performance of the employer’s work tasks by employees acting on its behalf.

The employer is obliged to compensate the employee for the actual damage. In the case of damage caused intentionally, the employee may also claim compensation for lost profits.

If the employer proves that the injured employee was also responsible for the damage, the employer’s obligation to pay compensation shall be reduced proportionally.

Invalid termination

In the event of invalid termination of employment by the employer, the employee is entitled to wage compensation in the amount of their average earnings (as well as continued accrual of leave) from the date on which they notify the employer that they insist on further employment until the

employer allows them to resume work or the employment is validly terminated.

If this period exceeds six months, the court may, upon the employer's request, reasonably reduce the compensation for the period exceeding six months, taking into account in particular any other earnings or gainful activity of the employee.

Last updated on 30/04/2026

20. Is interest payable?

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Statutory default interest is payable if a monetary claim is asserted and the debtor is in default. The claim for interest arises by operation of law and does not need to be contractually agreed, although the rate of default interest may also be contractually agreed. However, the court will not award interest unless it is expressly claimed in the lawsuit.

In the context of labour law, this mainly concerns interest on late payment of wages, salaries, wage compensation, or other monetary payments if the employer fails to pay the employee on time. Interest does not apply to non-monetary claims.

The default interest is equal, on an annual basis to the repo rate set by the Czech National Bank for the first day of the calendar half-year in which the default occurred, increased by eight percentage points (Section 2 of Government Regulation No. 351/2013 Coll., as amended).

Last updated on 30/04/2026

21. Are costs awarded against the losing party?

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In general, the principle of success in the case applies to the reimbursement of cost (ie, the reimbursement is awarded to the party who was fully successful in the case and is paid by the unsuccessful party). If a party has only been partially successful in the case, the court will apportion the costs proportionally or, where appropriate, rule that none of the parties is entitled to reimbursement of costs.

An unsuccessful defendant may nevertheless be entitled to reimbursement of the costs of the proceedings from the claimant if the defendant did not give cause for the proceedings.

Last updated on 30/04/2026

22. Can the decision be appealed to a higher court?

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An appeal against the decision may be lodged with the regional (appellate) court. No appeal shall be admissible against a decision rendered in proceedings concerning a monetary claim not exceeding 10,000 CZK.

An extraordinary appeal to the Supreme Court may be filed against a decision of the appellate court if it depends on the resolution of a question of substantive or procedural law, in the determination of which the appellate court has departed from the established case law of the Supreme Court, or which has not yet been resolved by the Supreme Court, or which is resolved differently by the Supreme Court, or if the legal question to be decided by the Supreme Court should be assessed differently.

In the context of employment disputes, the admissibility of an extraordinary appeal is not limited by the amount of the monetary claim. In cases of violation of constitutionally guaranteed rights, a constitutional complaint may be lodged with the Constitutional Court upon exhaustion of all available remedies.

Last updated on 30/04/2026

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