



# Legal Update

## from the field of labour law

May 2025

## Weinhold Legal

Below is our latest employment law update. If you have any questions about the below, please do not hesitate to contact us.

### Table of Contents

#### Legislation

- ▶ [Up-to-date information on the legislative development of the flexinovela of the Labour Code.](#)
- ▶ [The government has approved an amendment to the regulation on other important personal obstacles to work.](#)

#### Case law

- ▶ [In assessing equal pay, the Supreme Court considered whether the pay of persons working at different times and the criteria set out in the internal pay regulations could be compared.](#)

## Legislative changes

### So-called flexinovela of the Labour Code and other legislation

The so-called flexinovela of Act No. 262/2006 Coll., the Labour Code, as amended

"Labour Code" or "LCA") was promulgated on 29 April 2025 by **Act No. 120/2025 Coll.**, amending Act No. 262/2006 Coll., the Labour Code, as amended, and certain other acts, and will therefore take effect on **1 June 2025**. For more detailed information, please see our March HR LU.

### Government Decree No. 122/2025 Coll., amending Government Decree No. 590/2006 Coll., establishing the scope and extent of other important personal obstacles at work

The amendment to the above-mentioned regulation brings longer leave in the event of the death of a close person, clarifies the rules for the granting of leave in the event of marriage and now also in the event of partnership, and clarifies the conditions for leave in the event of finding a new job or being prevented from travelling to work. The amendment also responds to changes in the

legislation in relation to an employee's ability to schedule his/her own working time under Section 87a of the Labour Code.

#### Death of a loved one

In the event of the death of an employee's spouse, partner, domestic partner, child, grandchild, parent, grandparent, or sibling, up to five days of unpaid leave in excess of paid leave will be available for attendance at a funeral and its arrangements.

In the case of attendance at the funeral of a grandparent or grandchild of the employee, or a grandparent of the employee's spouse or other person who was living in the employee's household at the time of death, a full day's paid leave shall be granted, not just leave for the "necessary time".

Compensation for wages or salary under this point will also be due to employees who, under Section 87a of the Labour Code, schedule their own working hours into shifts under agreed conditions.

#### Conclusion of marriage and partnership

When taking two days of leave, only the day of attendance at the wedding ceremony will now be compensated.

Compensation for wages or salary under this point will also be due to employees who, under Section 87a of the Labour Code, schedule their own working hours into shifts under agreed conditions.

#### Making it impossible to travel to work

The obstacle to work "prevented from travelling to work", which is currently granted to a severely disabled employee when he or she is prevented from travelling to work due to weather conditions, will now also be granted if the inability to travel to work is caused by natural or other emergencies.

#### Accompaniment

The new working time off will be explicitly granted not only when accompanying a loved one to a health care facility or school counselling centre, but also when accompanying them back.



# Legal Update

## from the field of labour law

May 2025

## Weinhold Legal

### Finding new employment

Time off work to find new employment:

- a) **with wage/salary compensation for a maximum of 4 days** in the event of termination of employment by notice or agreement for reasons under **Section 52 (a) to (e) of the Labour Code** (organisational reasons and health reasons);
- b) **without wage/salary compensation for a maximum of 2 days** is due in the event of termination of employment by notice or agreement for reasons under **Section 52 (f) to (h) of the Labour Code** (breach of work duties or incapacity regime or failure to meet prerequisites);
- c) **No pay/salary replacement of up to 4 days** shall be payable in the event of termination of employment for reasons other than those listed above.

**Additional leave of absence without wage/salary compensation** shall be granted to the employee for the necessary period of time for the purpose of **using the counselling services of the regional branch of the Labour Office**, up to a maximum of 2 days in the cases referred to in points a) and c) and up to a maximum of 1 day in the case referred to in point b).

## Court decisions

### Equal pay

The judgment of the Supreme Court of the Czech Republic ("**SC CR**") of 16 April 2025, Case No. 21 Cdo 3521/2023, deals with the questions:

- ▶ **whether**, when assessing unequal pay, **two people who worked for the employer at different times can be compared**;
- ▶ **whether Section 131 of the Labour Code** can be applied when assessing remuneration **in a public research institution**, and

- ▶ **the relevance of the criteria set by the employer for a given wage component in the wage regulation** when assessing the wages of two persons.

*Question of comparison of employees working in different time periods*

The Czech Supreme Court stated, with reference to European case law (*Macarthys Ltd v Wendy Smith*, 129/79), that the assessment of equal work or work of equal value under section 110(1) of the Labour Code is not limited to the performance of work within the same time period. However, European case law does not exclude the possibility that the difference in remuneration between two employees working in the same place but at different times may be explained by factors unrelated to sex discrimination.

*The question of the application of Section 131 of the Labour Code*

Public research institutions provide their employees with a salary in accordance with Section 109(2) of the Labour Code, which is also implied by the Act on Public Research Institutions. Therefore, the Court of Appeal's conclusion that the public research institution could not have granted a personal allowance from the beginning of the employment relationship pursuant to section 131(2) of the Labour Code is incorrect.

*The question of assessing equal pay for a component of pay for which the employer sets the requirements in an internal regulation*

Unequal treatment in the provision of the incentive component of pay may result from the employer's decision based on performance or from an internal regulation setting out the conditions for granting it. It is a violation of equal treatment for an employer not to pay an incentive component to one employee even though it has paid it to others who have not met the same conditions. In assessing equal pay, it is necessary to distinguish between an entitlement component of pay, which is paid automatically once the conditions are met, and a non-entitlement component, which depends on the employer's decision. It is also important to assess whether the pay component was paid equally to all employees who fulfilled the same conditions.



# Legal Update

from the field of labour law

May 2025

## Weinhold Legal

In the present case, the entitlement to the personal allowance arose only on the basis of a decision by a superior who should have been guided by an internal regulation. The key issue was whether the two comparators met the same conditions laid down in those rules. The Court of Appeal considered the applicant's claim that the defendant had breached the wage rules, but did not explain whether it was possible to reward two employees differently on the basis of market conditions.

© 2025 Weinhold Legal  
All rights reserved

At the same time, the information provided in this bulletin should not be construed as an exhaustive description of the relevant issues and all possible consequences, and should not be relied upon in full in any decision-making process, nor should it be considered as a substitute for specific legal advice relevant to particular circumstances. Neither Weinhold Legal, Ltd. law firm nor any attorney listed as the author of this information shall be liable for any harm that may result from reliance on the information published herein. We further note that there may be differing legal opinions on some of the matters referred to in this bulletin due to ambiguity in the relevant provisions, and an interpretation other than ours may prevail in the future.

Please send your comments to: [eva.prochazkova@weinholdlegal.com](mailto:eva.prochazkova@weinholdlegal.com), [ondrej.tejnsky@weinholdlegal.com](mailto:ondrej.tejnsky@weinholdlegal.com) or contact the person with whom you are usually in contact. Unsubscribe from publications at [office@weinholdlegal.com](mailto:office@weinholdlegal.com)



**Eva Procházková**

Vedoucí pracovněprávního týmu  
Weinhold Legal



**Ondřej Tejnský**

Vedoucí advokát  
Weinhold Legal



**Tomáš Novák**

Senior Associate  
Weinhold Legal