



# Legal Update

## Labour Law

May 2026

Weinhold Legal

Please see below our labour law update. If you have any questions about the update, please do not hesitate to contact us.

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#### Legislation

- ▶ [Below, we provide a summary of the draft Act on platform work and related amendments to labour law regulations, which is intended to transpose Directive \(EU\) 2024/2831 of the European Parliament and of the Council on improving working conditions in platform work into the Czech legal order.](#)
- ▶ [The Ministry of Labour and Social Affairs \(“MLSA”\) has announced a new decisive amount for the satisfaction of employees’ wage claims in the event of the employer’s insolvency.](#)

#### Case law

- ▶ [The Constitutional Court dismissed a constitutional complaint against a decision of the Supreme Administrative Court confirming a fine for illegal work by couriers.](#)

## Legislative changes

### Draft Act on Platform Work

The Ministry of Labour and Social Affairs (“**MLSA**”) submitted a draft Act on platform work and related amendments to other legal regulations. The comment procedure was completed on 28 April, 2026. The draft implements Directive (EU) 2024/2831 of the European Parliament and of the Council on improving working conditions in platform work, which must be **transposed by 2 December, 2026** at the latest.

The proposed regulation applies to digital labour platforms organising work through electronic means **performed in the Czech Republic, regardless of the platform’s registered office or the law governing contractual relationships in platform work.**

The draft aims, in particular, to:

- ▶ facilitate determining whether a platform worker performs work as an employee,
- ▶ introduce rules for algorithmic management and human oversight of automated decisions,
- ▶ increase transparency in the functioning of digital labour platforms,
- ▶ strengthen the protection of platform workers’ personal data and
- ▶ expand the supervisory powers of labour inspection authorities.

#### Platform

A platform is a person providing a digital service through a **website or mobile application** which, at the customer’s request, **organises the paid work of natural persons** and, at the same time, uses automated systems. The individual defining criteria must be met cumulatively. The work may be performed both online and physically at a specific location, typically, for example, in delivery or transport services.

The regulation also includes a **negative definition of a platform**. Services whose main purpose is the sharing or use of assets, as well as platforms through which goods are offered predominantly by natural persons who are not engaged in business activities, should therefore not be considered platforms.

#### Platform work

Platform work means work ensuring the provision of a service, organised by a platform and performed by a natural person for remuneration on the basis of a contractual relationship between the platform or an intermediary and that person, regardless of whether there is a contractual relationship between that person or the intermediary and the recipient of the service.

#### Further definitions



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The draft further uses the following terms:

- ▶ **platform worker** – a natural person performing platform work, regardless of the nature of the contractual relationship or how it is designated by the contracting parties, i.e. all persons performing platform work;
- ▶ **platform employee** – a platform worker in a basic employment relationship with the platform or an intermediary;
- ▶ **intermediary** – a person who, for the purpose of making platform work available to another natural person, enters into a contract with the platform and, at the same time, another contract with the platform worker. This may also include a person who is part of the contractual chain between the platform and the platform worker;
- ▶ **automated monitoring system** – an automated system used for the electronic monitoring, supervision or evaluation of the work performance of platform workers or the activities carried out by them, including by collecting personal data, as well as an automated system that electronically supports these activities;
- ▶ **automated decision-making system** - an automated electronic system used to make or support decisions that significantly affect platform workers, in particular in relation to their recruitment, the availability and organisation of their work tasks, their remuneration, including the determination of its amount for individual work tasks, their occupational safety and health protection, their working time, their access to training, their career progression or equivalent, and their contractual status, including the restriction, suspension or termination of their user account.

### Legal presumption of an employment relationship

The Act is intended to introduce a rebuttable legal presumption of the existence of an employment relationship.

The legal relationship between a platform and a platform worker will be deemed to be an employment relationship if there are facts indicating that the characteristics of dependent work set out

in Section 2(1) of the Labour Code are met (the draft also introduces a new definition of dependent work), namely:

- ▶ a relationship of superiority of the employer and subordination of the employee and
- ▶ the performance of work on behalf of the employer.

If the presumption is triggered, it will be for the platform or the intermediary to prove that at least one of the characteristics of dependent work under Section 2(1) of the Labour Code is not met and, therefore, that the relationship is not an employment relationship. This therefore reverses the burden of proof and entails a related amendment to Section 133a of the Code of Civil Procedure.

The presumption may be invoked in administrative or judicial proceedings up to 3 years retrospectively, but not earlier than for the period from the effective date of the Act.

### Algorithmic management and automated systems

Extensive regulation of automated monitoring and decision-making systems used by platforms is being introduced.

Platforms will, in particular, be required to:

- ▶ inform workers about the use of algorithmic systems,
- ▶ explain the logic and effects of automated decisions,
- ▶ ensure human oversight of significant decisions,
- ▶ enable workers to challenge automated decisions,
- ▶ provide written reasons for certain decisions,
- ▶ regularly assess risks associated with algorithmic management.

The draft also restricts certain methods of personal data processing and prohibits the use of certain sensitive data in automated decision-making.

### Impacts on occupational safety and health

Beyond platform work itself, the draft also affects the general regulation of occupational safety and health.



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Employers will newly be required to:

- ▶ identify and assess risks associated with automated systems,
- ▶ adopt preventive measures,
- ▶ discuss these risks with employee representatives and
- ▶ take psychosocial and ergonomic risks into account.

The draft expressly responds to risks associated with algorithmic management of work, such as excessive performance pressure, continuous monitoring of employees or non-transparent evaluation.

### Registration of platforms and information obligations

Platforms will newly be subject to a registration obligation through the single monthly employer reporting system.

Platforms will also be required to provide information to:

- ▶ platform workers,
- ▶ employee representatives,
- ▶ labour inspection authorities,
- ▶ the Office for Personal Data Protection,
- ▶ the tax administrator.

### Amendments to related legal regulations

The proposed Act is also intended to amend a number of legal regulations, in particular:

- ▶ the Labour Code,
- ▶ the Employment Act,
- ▶ the Labour Inspection Act,
- ▶ the Code of Civil Procedure,
- ▶ the Act on the Residence of Foreign Nationals,
- ▶ the Whistleblower Protection Act and
- ▶ the Act on the Single Monthly Employer Report.

The Employment Act is to be amended, among other things, by changing the definition of illegal and undeclared work. The draft also introduces an irrebuttable legal presumption of an employment relationship in the case of an offence consisting in enabling the performance of undeclared work.

### Effectiveness

The Act is proposed to take effect on **1 December, 2026**. Provisions concerning the registration of platforms are proposed to take effect on 1 January, 2027.

### Amount of claims covered by the Labour Office of the Czech Republic in the event of the employer's insolvency

The MPSV published a notice on the new decisive amount for determining the total amount of wage claims paid to one employee under Act No. 118/2000 Coll., on the Protection of Employees in the Event of the Employer's Insolvency, by Notice No. 46/2026 Coll.

For the period from **1 May, 2026 to 30 April, 2027**, the decisive amount is **CZK 49,215**.

The decisive amount is used to calculate the maximum amount of wage claims that may be paid to an employee by the Labour Office of the Czech Republic in the event of the employer's insolvency.

Under the Act on the Protection of Employees in the Event of the Employer's Insolvency, an employee may claim wage entitlements for a maximum of 3 calendar months of the relevant period. The compensation for one month must not exceed one and a half times the decisive amount.

**The maximum amount of wage** claims payable to one employee may therefore newly amount to up to **CZK 221,467** gross ( $3 \times 1.5 \times \text{CZK } 49,215$ ).

## Court decisions

### Illegal work by couriers

In its resolution file no. IV. ÚS 393/26 of 8 April 2026, the Constitutional Court dismissed a constitutional complaint filed by VELKÁ PEČKA s.r.o. (Rohlík.cz), which challenged decisions of the administrative courts confirming the commission of an offence consisting in enabling the performance of illegal work



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by couriers cooperating on the basis of framework agreements as self-employed persons. The company was fined CZK 2.5 million by the labour inspection authority.

Both the administrative courts and the Constitutional Court concluded that the actual manner in which the couriers performed their activities fulfilled the characteristics of dependent work under Section 2(1) of the Labour Code. The Constitutional Court confirmed that the activities of couriers may generally be classified as so-called activity capable of being performed in either regime.

However, in the case at hand, the complainant company

*“exercised substantial control over the carriers (couriers) and organised their work to such an extent that it essentially excluded any independence on their part as entrepreneurs or suppliers: the carriers could, for example, formally arrange for another entity to perform a specific ride instead of them, but this required the complainant’s prior written consent and, in practice, such a form of cooperation essentially did not occur.”*

The courts also considered significant the extensive system of control and contractual sanctions, as well as the economic dependence of some couriers on the platform

The Constitutional Court emphasised that, when assessing the so-called disguised employment scheme, the actual substance of the relationship is decisive, not its formal contractual designation. According to the Court, the mere fact that the cooperating persons prefer the self-employed regime or have a certain degree of flexibility in organising their work does not preclude the existence of dependent work. In addition, according to the courts, the formal possibility of substitution by another person or cooperation with competitors was not actually used in practice.

The decision is significant particularly in view of the growing importance of the platform economy and the forthcoming implementation of the EU Directive on platform work. The Constitutional Court expressly recalled that the European regulation is also based on a rebuttable presumption of the existence of an employment relationship in cases where

a platform exercises control over and manages workers.

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