

Coronavirus and employment relations

A. An employee returns from an area affected by coronavirus (no quarantine ordered)

- It is primarily necessary for the employee to become familiar with the current instructions and recommendations of the Ministry of Health and public health authorities.
- The employee should inform the employer that he / she has returned from the area affected by coronavirus, subject to § 102 col. 1 and § 106 col. 4 of the Labor Code. With respect to the obligation to prevent risks from the point of view of occupational health and safety, the employer is entitled to invite the employee to undergo an examination at the provider of occupational health services, resp. the medical practitioner, in particular if it is justified by the work performed or the employer suspects that the employee is incapable of performing the work. In this case, an extra occupational medical examination of an occupational medical service provider may be considered, in accordance with § 12 of Decree No. 79/2013 Coll., On occupational medical services and certain types of assessment care.
- Unless specific emergency measures are established by public health authorities, the employer shall notify the employee that informed him of his / her return from the coronavirus-affected area of his / her obligation to contact his / her registering physician if symptoms of an infectious disease occur. The latter shall decide whether the employee will be temporarily recognized as unfit for work or, if the public health authority decides, a quarantine, isolation or quarantine measures (hereinafter referred to as 'quarantine') will be ordered).
- If the employee does not show signs of an infectious disease, it is advisable for the employer to take some of the following precautions to prevent the employee from staying outside the workplace and workgroups for a certain period of time (usually 2 weeks). These tools can be used for this purpose:
 - 1) The employer may agree with the employee to work temporarily **outside the employer's workplace** (from another location - for example, from home). As this is an agreement, the second party to the employment relationship is not obliged to accept the change of the place of work (home work).
 - 2) The employer would make **a suitable change in the shift schedule** and inform the employee in good time, i.e. 14 calendar days in advance, unless otherwise agreed with the employee.

- 3) If an employee is prepared to perform work for the employer at the place of work and the employer will not assign it without the employee having an obstacle at work (for example, the employee is not instructed to stay in quarantine nor is temporarily incapacitated to work, but the employer has certain worries), this is **an obstacle to work on the part of the employer** and the employee is entitled to compensation of wages or salaries equal to the average earnings (Section 208 of the Labor Code).
- 4) The employer may agree with the employee on taking leave; as a general rule, the employer is obliged to notify the employee of the specified period of leave at least 14 days in advance, unless he agrees with the employee for a shorter period of time (§ 217 col.1 of the Labor Code). Without an agreement with the employee, the employer cannot determine the day-to-day holiday. The Labor Inspection Authority may impose a fine of up to 200,000 CZK for violations of leave duties (Act No. 251/2005 Coll., On Labor Inspection).

If none of the above-mentioned instruments are used in a particular case, it is possible for the employer to comply with the employee's **request for leave without compensation for wages**.

B. An employee is in a mandatory quarantine in the Czech Republic

- Quarantine Order Notice, its duration and termination is decided by the public health protection authority and in this sense it is obliged to inform the employer at his request that the employee has been quarantined.
- A quarantine of an employee is considered an obstacle to work on the part of the employee in which he or she is entitled to wage or salary compensation in the same way as if he/she is temporarily unable to work (§ 191 and 192 of the Labor Code). The employee is also obliged to inform the employer of this obstacle at work and its expected duration without undue delay and to prove the obstacle to work (see § 206 col. 1 and 2 of the Labor Code). Pursuant to § 191 of the Labor Code, an **employer is obliged to excuse an employee's absence from work** during a period of quarantine ordered pursuant to a special legal regulation.. This special legal regulation is Act No. 258/2000 Coll., on the protection of public health, as amended. Pursuant to § 192 of the Labor Code, an employee is entitled to wage/salary compensation from the employer for the first 14 calendar days, provided that such compensation pertains to weekdays and holidays for which the employee is otherwise entitled to salary compensation or wage/salary does not get reduce.
- The Employee shall provide the Employer with a “Quarantine Order Notice” issued by the attending physician or health safety inspector. At the same time, the

employee will exercise the right for salary compensation from the employer for the first 14 days of the quarantine period.

- The employer cannot order employees to take leave during a period of quarantine.
- **If an employee has begun to take leave before he/she has been quarantined, the quarantine order does not interrupt the leave** (see § 219 col. 1 of the Labor Code where among the reasons for which the leave is interrupted, the quarantine is not stated).

C. An employee is in a mandatory quarantine abroad

- If employee is ordered to stay in quarantine abroad, **then if they are EU countries and countries with which the Czech Republic has concluded a bilateral agreement**, the employer is obliged to excuse their absence at work and provide them with wage or salary compensation during the first 14 calendar days of quarantine, as is mandatory in the case of a quarantine ordered under the Public Health Protection Act according to § 191 and 192 of the Labor Code. In the case of EU countries, common European rules are followed, employees are issued with a certificate of ordered quarantine at their place of residence and the employee sends this confirmation to their employer in the Czech Republic and the employer pays him / her salary compensation according to § 192 of the Labor Code.
- **If the concerned countries are outside of EU or countries with which the Czech Republic has a bilateral agreement**, then if the quarantine ordered in that country persists after the employee's leave is over, there is no doubt that the employer will be obliged to excuse the employee's absence. In this case, the employee's absence from work is not a culpable breach of the obligations of the employee under the Labor Code, as he/she is obliged to observe the ordered quarantine abroad.
- **In the event that the employee takes leave abroad, the quarantine order does not interrupt the leave** (see § 219 col. 1 of the Labor Code, stating the reasons for which the leave is interrupted; quarantine is not listed). An obstacle to work due to quarantine will therefore follow only the end of the leave.

D. Quarantine on business trip and travel expenses

- Pursuant to § 42 of the Labor Code, the term business trip means the sending of an employee for a limited period of time by the employer to work outside the place of work stipulated in the employment contract. The employer is obliged to reimburse the employee for expenses incurred in connection with the performance of the work, to the extent and under the conditions set out in Part

Seven of the Labor Code. Travel expenses for which the employer is obliged to provide subsistence allowance means expenses incurred to employee during his/her business trip, both domestic and foreign business trips (held outside the Czech Republic), pursuant to § 42 of the Labor Code. Subsistence allowance shall be in accordance with the terms and conditions of the business trip determined by the employer for the entire duration of the journey, i.e. from its beginning to the end.

- **If an employee on a business trip is placed in quarantine, this shall not constitute grounds for terminating or interrupting the business trip.** It must be assumed that the employee would not be quarantined at a given place if he/she had not been sent there by the employer (there is therefore a causal link with the business trip). **In general, this fact cannot be at the expense of the employee, nor is it in the case of the employee's temporary disability for work or his/her hospitalization**

- If the quarantined employee is able, he must without any delay, inform the employer of any change in the conditions governing the granting and the amount of travel allowances, in accordance with § 186 of the Labor Code, so that the employer can take the necessary measures (i.e. cancel reservation of the return ticket or accommodation). Interruption or termination of a business trip, resp. failure to provide travel allowances to an employee who was ordered to stay in quarantine during a business trip and cannot therefore return to his residence would also be contrary to good morals. The provision of subsistence allowance is not tied to the performance of work, but to the duration of the business trip and the time spent outside of the Czech Republic on a calendar day. If an employee is provided with free meals for breakfast, lunch or dinner during a quarantine on a business trip, the subsistence allowance will be reduced in the manner stipulated in the relevant provisions of the Labor Code. If the employee has retained accommodation, then the employer must reimburse these costs, if not provided to the employee by another entity as part of the quarantine ordered measures. Employees may incur some incidental expenses during this period. These can also be related to a business trip, not to work performance (§ 164 of the Labor Code). All of these circumstances must always be assessed according to the specific case and its conditions.

- The termination of the ordered quarantine is decided by the competent state authority (public health protection authority); the employer then decides, depending on the specific conditions, on the further course of the business trip.

In Prague, February 28, 2020