



Prague, 2 March 2020

Coronavirus and labour law context

Employee returned from a territory affected by the coronavirus (quarantine is not ordered)

First of all, it is necessary that the employee gets acquainted with the up-to-date instructions and recommendations of the Ministry of Health and of the public health authorities.

The employee should, with regard to Article 102(1) and Article 106(4) of the Labour Code, inform the employer that he or she has returned from a territory affected by the coronavirus.

In case the public health authorities have not stipulated any extraordinary measures, the employer points out to the employee, who informed him about his return from a territory affected by the coronavirus, his obligation to consult his registered doctor in case of symptoms of a virus disease. The doctor decides whether the employee is considered as temporarily incapable of work, alternatively whether he will be ordered a quarantine, isolation or a quarantine measure (further “quarantine”) based on a decision of a public health authority.

In case of no manifested symptoms of a virus disease, it is suitable – according to the nature of work tasks – that the employer takes one of the following preventative measures aiming at keeping the employee for a certain period (usually 2 weeks) outside the workplace and the work team. The following measures can be used:

- 1) The employer can agree with the employee on a temporary **work outside the workplace** (e.g. homeworking). As it is an agreement, the employee does not have to agree with the work outside the workplace.
- 2) The employer makes a suitable **relocation of shifts timetable** and informs the employee in time, i.e. at least 14 days before, unless agreed otherwise with the employee.
- 3) In case the employee is ready to perform work at the workplace and the employer will not give him any work task without a work obstacle on the side of the employee (e.g. the employee does not have an ordered quarantine and is not in temporary work incapability, but the employer only has certain concerns), this situation is considered as a work obstacle on the side of the employer and the employee is entitled to a wage replacement in the amount of the average earnings (Article 208 of the Labour Code).
- 4) The employer can agree with the employee on drawing of paid leave; generally, the employer is obliged to announce the determined part of leave at least 14



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days in advance, unless he makes an agreement with the employee on a shorter period (Article 217(1)). Without an agreement, the employer cannot order a paid leave from day to day. In case of breaking an obligation in the area of leave, the labour inspection authority can impose a sanction up to CZK 200,000 (Act no. 251/2005 on labour inspection).

If none of the measures mentioned above is used in a concrete case, it is possible that the employer agrees upon the request of the employee with **provision of leave without a wage replacement**.

Employee is in an ordered quarantine in the Czech Republic

The public health authority decides upon the order of quarantine, its length and termination, and in this respect it is obliged to inform the employer upon his request that the quarantine has been ordered to an employee.

In case an **ordered quarantine**, it is considered **as a work obstacle on the side of the employee**, when he is entitled to a wage replacement, equally like in case of temporary work incapacity (Articles 191 and 192 of the Labour Code). Also in this case, the employee is obliged to inform the employer about this work obstacle without an unnecessary delay and to prove this work obstacle to the employer (Article 206(1) and (2) of the Labour Code). According to Article 191 of the Labour Code, the employer is obliged to excuse the work absence of the employee during the period of the quarantine ordered on the basis of a specific legislation. This specific legislation is Act no. 258/2000, on public health protection. According to Article 192 of the Labour Code, the employee is entitled to a wage replacement from the employer during the first 14 calendar days, the wage replacement is paid for working days and for holidays, which are in other cases subject to wage replacement or the wage is not reduced.

The employee submits the “Notification of ordered quarantine”, issued by the doctor or hygienist, to the employer. Through this notification, the employee at the same time applies for the wage replacement for the first 14 days of the quarantine duration.

The employer cannot order drawing of a leave during the quarantine.

If the employee had started to draw a leave before the quarantine was ordered, the leave is not interrupted by the order of quarantine (see Article 219(1) of the Labour Code, where the quarantine is not listed among reasons for an interruption of a leave).

Employee is in an ordered quarantine abroad

If a quarantine is ordered to the employee abroad, and if it is in **an EU Member State or a state which have a bilateral agreement with the Czech Republic**,



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the employer is obliged to excuse his work absence and provide him with a wage replacement during the first 14 days of quarantine, equally like in case the quarantine is ordered based on the Act on public health protection. Articles 191 and 192 of the Labour Code apply. If it is an EU Member State, the common EU rules are applied, a notification about an ordered quarantine is issued to the employee in the place of stay, the employee sends this notification to his employer in the Czech Republic, and the employer then, based on this notification, pays him the wage replacement, according to Article 192 of the Labour Code.

In case of **non-EU states without a bilateral agreement with the Czech Republic**, if the quarantine ordered in this state continues after the end of the leave of the employee, it is indisputable that the employer will have to excuse the work absence of the employee. In such a case the work absence is not considered as a breach of obligations imposed by the Labour Code, as the employee must respect the quarantine ordered abroad.

In case an employee draws a leave abroad, the leave is not interrupted by the ordered quarantine (see Article 219(1) of the Labour Code, where the quarantine is not listed among reasons for an interruption of a leave). The work obstacle due to the quarantine will follow after the leave.

Quarantine during the business trip and reimbursement of costs related to business trip

A business trip means, according to Article 42 of the Labour Code, a time-limited secondment of an employee to carry out work outside the workplace stipulated in the work contract. The employer is obliged to provide a reimbursement of costs occurred in relation to the business trip in the extent and under conditions stipulated in part 7 of the Labour Code. The costs, for which the employer must provide compensations, mean costs occurred to the employee during a business trip according to Article 42 of the Labour Code, both for domestic and foreign business trip (a foreign business trip means a business trip outside the Czech Republic, according to Article 154 of the Labour Code). The compensation of costs pertain, in line with the conditions of a business trip stipulated by the employer, for the whole period of business trip, from its beginning to the end.

If an employee on a business trip is ordered a quarantine, this fact is not a reason for termination of the business trip. It is necessary to build on the fact that the employee would not be ordered a quarantine during the working journey if he was not sent by the employer (there is a causal link with the secondment to the business trip). **This circumstance in general cannot be to the detriment of the employee, neither in the case of a temporary work incapacity or hospitalisation of the employee.**



PRESS RELEASE

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If an employee in a quarantine is capable, he must, according to Article 186 of the Labour Code, inform without delay his employer about the change of conditions defining provision and amount of allowance for reimbursement of expenditure incurred on account of the business trip so that the employer can take appropriate measures (e.g. cancel the return flight ticket or accommodation). An interruption or termination of a business trip of an employee who was ordered a quarantine during the business trip and cannot therefore return home, would be also considered an act against good manners. Provision of allowance to cover board expenses is not linked to the performance of work, but to the duration of the business trip and the time spent outside the Czech Republic in a calendar day. If a free board in the form of breakfast, lunch and dinner is provided to the employee during the quarantine on a business trip, the allowance to compensate the board costs are reduced in a way stipulated in respective provisions of the Labour Code. If the employee keeps the accommodation, the employer must reimburse also those costs of lodging, in case the accommodation was not provided to the employee by another subject as a part of measures during the ordered quarantine. Certain necessary secondary costs may also occur to the employee during the relevant period. Those costs may also be linked to the business trip, not with the performance of work (Article 164 of the Labour Code). These circumstances must always be considered for a concrete case and its conditions.

The respective state authority (public health protection authority) decides about the termination of the ordered quarantine, and the employer consequently decides about the further course of the business trip, based on concrete conditions.

Press department of the Ministry of Labour and Social Affairs