

## Labour Law – Czech Republic

<p><b>Is it a legal requirement that employees must receive an employment contract?</b></p>	<p>There is automatic right to receive a written contract of employment, because a verbal agreement is not sufficient. The employer shall conclude employment contracts in writing. The employment contract must include: type of work, place or places of work, date on which the employee will perform the work.</p>
<p><b>What factors constitute a fair dismissal i.e. legally justifiable reasons to terminate employment without the need to pay compensation?</b></p>	<p>There are three possible ways, how to dismiss the employee without the need to pay compensation: 1) if, according to a medical certificate issued by the occupational health care establishment the employee has lost, long term, his capability to perform his current work due to his state of health; 2) if the employee does not meet the prerequisites prescribed by statutory provisions for performance of the agreed work or if, through no fault on the employer's part, he does not meet the requirements for proper performance of such work; 3) if there are reasons on the employee's part due to which employer could immediately terminate the employment relationship, or if the employee has seriously breached some duty arising from statutory provisions and relating to the work performed by him.</p>
<p><b>What is good practice with regard to dismissal procedures to minimise the risk of claims for unfair dismissal?</b></p>	<p>Employer must show that he has acted 'reasonably' - this varies according to the reason for the dismissal e.g. in the case of capability and qualification, was a training offered?; Were warnings provided to improve standards? If the reason was 'conduct' - for gross misconduct employees may be dismissed without warning.</p>
<p><b>If an employee is dismissed unfairly what is the financial range of compensation that can be made to employees?</b></p>	<p>Employee is entitled to receive severance pay in the amount of at least three times his average earnings or at least twelve times his average earnings</p> <p>Also see below and 'redundancy' rights</p>
<p><b>Do employees have the right to be members of a trade union?</b></p>	<p>Yes, an employee is free to join a trade union or not to join as he chooses. Consequently it is unfair to dismiss any employee either because he is or because he is not a member of a trade union.</p>
<p><b>Is there any legal requirement for an employer to contribute to a pension for employees?</b></p>	<p>There is no legal requirement for an employer contribution to a pension for employees, but it can be provided by the employer as a benefit for employees. The employer has to contribute to social security schemes with the employee.</p>
<p><b>What are standard maternity rights?; What are parental leave rights (including paternity leave)?</b></p>	<p>A pregnant woman employee, a woman employee who is breastfeeding and a woman employee - mother until the end of the ninth month after childbirth may not be employed to carry out those types of work for which they are not fit under the relevant medical certificate. A woman employee is entitled to 28 weeks of maternity leave (if she gave birth to two or more children at the same time, she is entitled to 37 weeks of maternity leave). This maternity leave shall start at the beginning of the sixth week before the expected childbirth, but no earlier than the beginning of the eighth week before the expected child's birth.</p> <p>Employer may not give notice to this woman employee if she is pregnant or is on maternity leave or while a woman or man employee is on a parental leave.</p> <p>Parental leave: Employer shall grant a female or male employee parental leave if so requested. Parental leave is granted to the mother of a child upon termination of her maternity leave and to the father of a child from the day when the child is born and it is granted within the scope as requested, but no longer than until the day when the child reaches the age of three years.</p>
<p><b>When are employees eligible for redundancy payments?</b></p>	<p>Employee is entitled to receive severance pay in the amount of at least three times his average earnings, if the notice is given by his employer for one of these reasons:</p>

	<p>a) if the employer's undertaking, or its part, is closed down;  b) if the employer's undertaking, or its part, relocates;  c) if the employee becomes redundant because of the decision of the employer.</p> <p>Employee is entitled to receive severance pay in the amount of at least twelve times his average earnings, if according to a medical certificate issued by the occupational health care establishment, the employee is not allowed to perform his current work due to industrial injury, etc.</p>
<b>What are the statutory redundancy payment limits?</b>	See above
<b>Can existing employees be dismissed if you buy a business with employees?</b>	Generally 'no', in accordance with transfer of the Commercial Code. There must be a relevant 'transfer', which means there is an automatic transfer of the contracts of employment. If an employee is dismissed for a reason connected with the transfer then this is automatically 'unfair', unless the employer can show economic, technical or organisational reasons for a change in the workforce.
<b>Any other general legislation to note?</b>	For example: equal pay, part-time workers, sex discrimination, race discrimination, disability discrimination, health and safety, working time regulations and time off to care for dependents.