



LECTURE 3

Legal framework of HR
7.3.2024

What covers legal requirements of the relation of employee and employer?

Legal Framework in HR processes

- HR legal laws, rules and regulations



The main sources of the labour law are three acts:

- Act No. 262/2006 Coll., the Labour Code, as amended
- Act No. 2/1991 Coll., the Collective Bargaining Act, as amended
- No. 435/2004 Coll., the Employment Act, as amended
- **However, the area of labour law is governed by other important regulations, such as:**
- Act No. 309/2006 Coll., the Act Stipulating Further Requirements for Health and Safety at Work, as amended
- No. 251/2005 Coll., the Labour Inspection Act, as amended
- No. 73/2011 Coll., the Labour Office Act, as amended
- Act No. 187/2006 Coll., the Sickness Insurance Act, as amended
- Act No. 329/2011 Coll., on benefits for people with disabilities, as amended
- Act No. 589/1992 Coll., on social security insurance and state employment policy, as amended
- Act No. 48/1997 Coll., on public health insurance, as amended
- Act No. 592/1992 Coll., on premiums for general health insurance, as amended
- Act No. 326/1999 Coll., on the Residence of Foreigners in the Territory of the Czech Republic, as amended
- Act No. 118/2000 Coll., on protection of employees against the employer's insolvency, as amended

Labour code – Czech Republic

Employment Contract

Regular employment

There are two types of regular employment contracts in the Czech Republic:



Employment Contract for a definite period: generally, it can be concluded for a maximum of 3 years and it is possible to prolong such contract only twice (maximum length 3×3 years)



Employment Contract for an indefinite period: an employment relationship shall last for an indefinite period unless a definite period has been expressly agreed

Termination of Contract

- Employment relationship may be terminated with the Czech employee:
 - by agreement between the parties in writing
 - by notice of termination
 - the notice of termination shall be made in writing and delivered to the other party
 - the employee may give his employer notice of termination for any reason or without stating a reason
 - the employer must specify the reason based on a list of reasons provided by law
 - the Czech law prohibits giving notice to an employee during the protection period (while the female employee is pregnant or is on maternity or parental leave, the employee is unfit for work, the employee is released to exercise a public office, etc., given that other conditions are met) *(note: even the protection period has its own conditions which need to be met. For example, an employee is not protected if his/her incapacity for work was caused by intoxication)*
 - by immediate termination only for reasons specified in the Labour Code
 - by termination within a probationary period
 - on the expiry of agreed period in case of employment contract for a definite period
 - upon lapse of validity of a work permit of a foreign employee, or due to deportation or revocation of a residence permit
 - upon death of the employee

Notice period

Where notice of termination has been given, the employment relationship will come to an end upon the expiry of the notice period. The notice period must be the same for both the employer and the employee.

Working time

- **40 hours/week** is the length of **standard weekly working hours**, except for some employees. Working hours are usually distributed over a five-day working week. Part-time work may be agreed between the employer and employee.
- **12 hours** is the **maximum length of a shift**. The employer shall distribute working hours and determine the start and end of shifts.
- **25%** of the average earnings is the minimum **premium** that the employee is entitled to **for overtime work** in addition to the attained wage, or a compensatory time off.

Main changes – Labour law amendment

- <https://m.youtube.com/watch?v=-AdHCBClrkU&pp=ygUfTGfib3VylGNvZGUgMjAyNCBjemVjaCByZXB1YmxpYw%3D%3D>

Main changes in Czech Labour code

- **Agreement performer outside the employment relationship**

employees working under an agreement for work performed outside the employment relationship (agreement to perform work or agreement to complete a job) are now also entitled to annual leave

Work outside employment relationship

Furthermore, an employee may perform work outside employment relationship on the ground of two agreements:



Agreement to complete a job: the scope of work for which an agreement is concluded may not exceed 300 hours in one calendar year.



Agreement to perform work: the scope of work shall not exceed a maximum of one half of determined weekly working hours (20 hours)

a written agreement with employees working from home or another location

who have worked at least 80 hours will be entitled to vacation under the same conditions as employees in a standard employment.

Work from home

Work from home

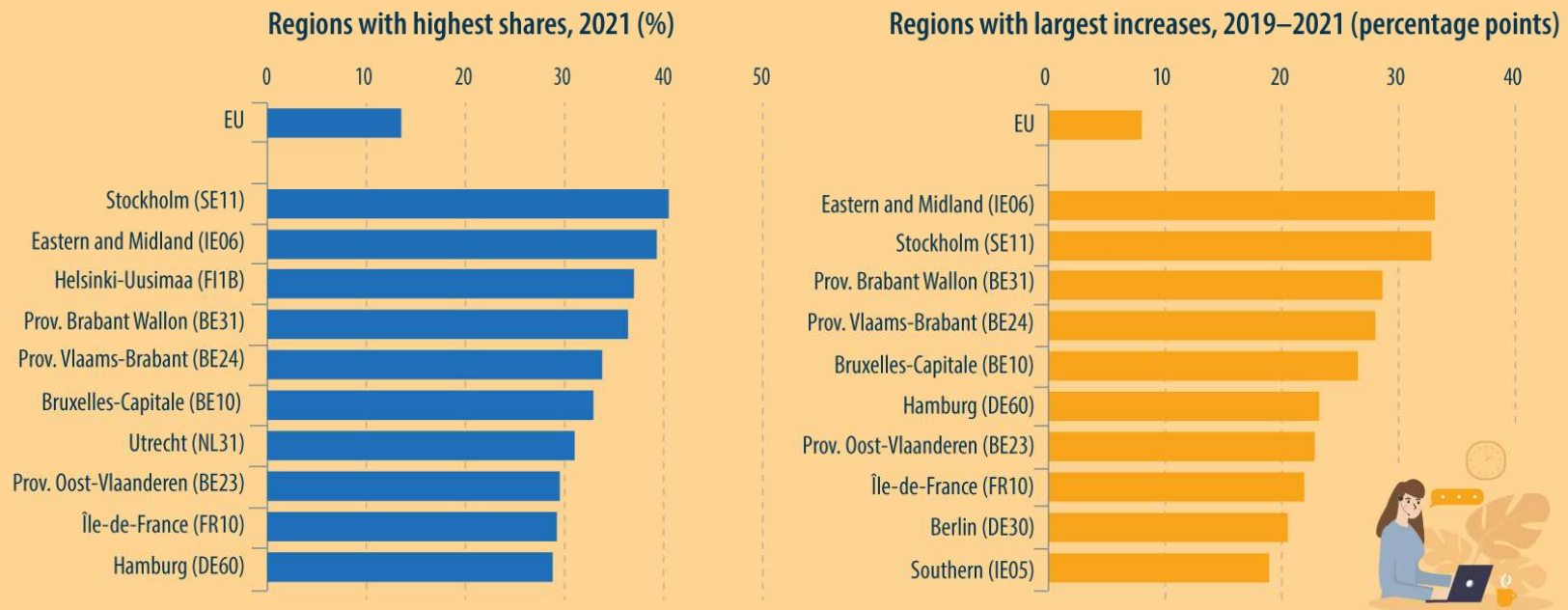
A much-debated aspect of work from home was the reimbursement of employees' costs. In the end, the issue can be addressed in three ways:

1. compensation for costs incurred and proven
2. lump sum payment for each hour worked remotely
3. written agreement that the employee is not entitled to any home-office compensation.

Working from home

Employed people usually working from home, 2021

(people aged 20–64, selected NUTS 2 regions)



Based on available data, some regions are not available (too many to document). Includes earlier reference years for some regions (too many to document).

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