

- With regards to work agreements, the situation is different. It is only possible in work agreements to negotiate or stipulate the right of an employee to annual leave by an internal regulation (this is not possible to negotiate in a collective agreement).

### **Annual leave per calendar year or a proportional part thereof**

- **Length:** minimum of 4 weeks<sup>3</sup>, 5 weeks<sup>4</sup>, 8 weeks<sup>5</sup>.
- With regards to employees on a wage, an employer can also determine longer annual leave (and this also for a particular group of employees only, however they have to respect the principle of equal treatment.)<sup>6</sup>.
- An employee who carried out work for the same employer continually during a period of at least 60 days in the calendar year has a right to annual leave. (If the employment did not continually take place during the whole year, a proportional part of the annual leave for the calendar year will be provided.)
- **Taking annual leave:** An employer can determine the time for taking annual leave in accordance with the plan for taking annual leave with approval from trade unions (if they are present in the company). In general, the employer determines when annual leave can be taken so as to ensure that an employee can take it in full (or at least 2 weeks in full) and by the end of the calendar year in which the right to the annual leave arose, whilst respecting the operational needs of the employer and the entitled interests of the employee (The employer must inform the employee about this in writing at least 14 days in advance.)

<sup>3</sup>Employees who get a wage (business sphere).

<sup>4</sup>Employees who get a salary, not a wage, have a right to 5 weeks annual leave by law. The categories of employers who remunerate their employees with a salary are stated in § 109 paragraph 3 of the Labour Code.

<sup>5</sup>8 weeks annual leave per calendar year applies to pedagogical employees and university faculty members..

<sup>6</sup>It will not be breached e.g. when determining longer annual leave only for employees working at night, in shift operation, in hindered working conditions, etc.

- **Compensation for annual leave:**
  - An employee is entitled to a refund of wage or salary equivalent to the amount of average earnings.
  - An employee is entitled to get a refund of wage or salary for 4 weeks of annual leave not taken only after terminating employment, and equivalent to the amount of average earnings.
- **Reducing annual leave:** In cases where an employee is not present at work for reasons of obstacles to work, which are not considered for the purposes of annual leave as work performed, the annual leave is reduced by 1/12 for the first 100 lost shifts (working days).

### **Annual leave for days worked**

- **Length:** 1/12 of annual leave for every 21 days of the calendar year worked in the relevant calendar year.
- An employee to whom the right to annual leave for the calendar year did not arise, neither for a proportional part thereof, because he/she did not carry out work for the same employer for at least 60 days in the calendar year, has the right to annual leave for the number of days worked.

### **Supplementary annual leave**

- **The right:** Those groups of employees, specified under the Labour Code, working under ground as well as others in accordance with the provisions in § 215 of the Labour Code who carried out work for the same employer for the whole calendar year or a part thereof.
- **Length:** If an employee carries out work for the whole calendar year, they are entitled to 1 week supplementary annual leave. If the employee carries out the work for only a part of the year, he/she is entitled to get 1/12 for every 21 days he/she worked.

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## **WORKING HOURS, BREAKS, OVERTIME AND ANNUAL LEAVE**

### **WORKING HOURS, BREAKS AND OVERTIME**

(This version has been in force since 1st January 2008.)

#### **Basic information**

- **Legal regulation:** § 78 and onwards of Act no. 262/2006 Coll., of the Labour Code, as amended by later legal regulations.
- Working hours and the setting thereof is primarily a question of organizing work and management within each individual employer.
- **Working hours** are the time when an employee is obliged to carry out work for an employer and the time when an employee is ready at the workplace to carry out work according to the employer's instructions.
- **Rest period** is time which is not working time.
- **A shift** is a part of the weekly working hours, excluding overtime work, which an employee is obliged to work on the basis of a shift plan which is determined in advance.
- **Two-shift working regime** is a regime where employees regularly take turns in two shifts within successive 24-hour periods.
- **Three-shift working regime** is a regime where employees regularly take turns in three shifts within successive 24-hour periods.
- **Continuous working regime** is a regime where employees regularly take turns in shifts in a continuous operation within successive 24-hour periods.
- **Continuous running** is running which requires work to be performed 24 hours a day, 7 days a week.
- **A week** is every period of time consisting of 7 successive days.
- **Night work** is work carried out at night. Night work is considered to take place between 22.00 hrs and 06.00 hrs.

- **An employee working at night** is an employee who regularly works at least 3 hours of their working time during the night within successive 24-hour periods.

### **Determined weekly working hours**

- The determined number of working hours per week must not exceed 40 hours.
- Employees with a two-shift working regime – 38.75 hours a week.
- Employees working underground when mining coal, mining ore and non-metal materials, in pit constructions and at mining workplaces for geological exploration, as well as employees with a three-shift or continuous working regime – 37.5 hours a week.
- Employees under the age of 18 years – the length of the shift on any individual day must not exceed 8 hours. In cases where they have more than one employment relationship, the working week must not exceed 40 hours a week in total.

### **Plan of working time**

- An employer determines the working times and the start and end of shifts.
- Balanced plan of working times: length of a shift on an individual day must not exceed 9 hours.
- Unbalanced plan of working times: length of a shift must not exceed 12 hours.
- Flexible plan of working times: In terms of a balanced and unbalanced plan, an employer determines the start and the end of the basic working day. Employees themselves then select their own arrival and departure time at work.
- “Account of working time”: an employer selects this type of working time in cases where they want to allocate work to employees according to the volume of work which matches their up-to-date needs in a particular period of time. The employer pays a fixed wage for this.
- Working times can also be planned in a different way.

### **Breaks and safety breaks at work**

- Breaks at work: at the longest after 6 hours of continuous work and at least 30 minutes<sup>1</sup> in duration. **The break is not counted as working time** and should not be provided at the beginning or at the end of the working time.
- Safety breaks: these are determined in accordance with special legal regulations and **are counted as working time**.

### **Rest periods**

An employer must respect the following when determining the schedule of working times:

- continuous rest between two shifts: at least 12 hours within successive 24-hour periods (under certain conditions it can be shortened),
- days off: days when there is continuous rest during the week, and public holidays,
- continuous rest during the week: during every period of seven successive calendar days an employee has the right to rest at least 35 hours<sup>2</sup>.

### **Overtime**

Only under exceptional circumstances can an employer order overtime for serious operating reasons, this can also be in a time of continuous rest between two shifts, and under certain conditions also on days off. Overtime must not make up more than 8 hours of an individual's week and 150 hours in a calendar year (more is only possible on the basis of an agreement with an employee).

### **Night work**

- The length of a shift for an employee working at night must not exceed 8 hours within successive 24-hour periods. If it is not possible for operating reasons, an employer is obliged to plan the determined weekly working time so that the average length of a shift does not exceed 8 hours within successive 26-week periods.

<sup>1</sup>In terms of young employees, this break is provided no later than after 4.5 hours of continuous work.

<sup>2</sup>In terms of young employees, the rest must not be shorter than 48 hours.

- An employer is obliged to ensure that employees working at night have adequate social amenities (mainly refreshments) and are also obliged to equip the workplace with the means for providing and calling for first aid.

### **On-call work**

- On-call work is the time when an employee is available to follow an instruction from an employer to carry out work in accordance with their employment contract which has to be executed due to urgent need beyond the framework of their scheduled working shifts.
- On-call work can only be in a different place to that of the workplace of an employer subject to agreement with an employee.
- On-call work is agreed only by agreement with an employer.
- An employee is entitled to receive a bonus for on-call work.
- An employee is then entitled to get a wage or a salary for work performed whilst on-call.
- On-call work where no work is performed is not counted as working time.

### **Exceptional adjustments to working hours**

- The government provides for the adjustment of working hours and rest periods for employees in the transport industry by an order of variance.
- The government can provide for the adjustment of working hours and rest periods for the fire brigade of the company by order of variance (§ 67 of Act no.133/1985 Coll., on Fire Prevention, as amended by later legal regulations).

## **ANNUAL LEAVE**

### **Basic information**

- Legal regulations: § 211 and onwards of Act No. 262/2006 Coll., Labour Code, as amended by later regulations.
- All employees in employment based on an employment contract are entitled to annual leave.