

11. Searching for new employment

- work leave without remuneration of wages or salary before the end of employment will be given for the minimum necessary period of time, half a day at the most, for the duration of a notice period lasting for two months,
- work leave of the same scope and with remuneration of wages or salary will be given before the end of employment which is terminated by the employer serving notice for reasons stated in § 52 letter a) to e) of Labour Code or by agreement for the same reasons,
- with the employer's agreement it is possible to link the work leave together.

Obstacles to work for reasons of public interest

- holding public office,
- carrying out civil duties,
- other tasks in the public interest,
- work leave related to army service,
- obstacles to work for reasons of training, other forms of preparation or studies.

OBSTACLES TO WORK ON THE EMPLOYER'S PART

Dead times and work interruptions caused by bad weather

If an employee cannot perform work:

- due to a temporary defect caused by a fault in machinery which the employee is not responsible for, by a defect in material supply or in power, by faulty data for work or other running causes, it is regarded as dead time and if the employee was not transferred to other work they are entitled to remuneration of wages or salary **to the amount of at least 80% of average earnings,**
- as a result of interruption to work caused by bad weather or natural calamity and if the employee was not transferred to other work, they are entitled to remuneration of wages or salary **to the amount of at least 60% of average earnings.**

Other obstacles on the employer's part

If an employee cannot perform work:

- due to other obstacles on the employer's part other than dead time and interruption of work caused by bad weather or natural calamity, the employer will remunerate their wages to the **amount of average earnings,**
- in cases when an employer is not able for objective reasons to temporarily ensure work for the employee to the amount of the stated weekly working hours for reasons of temporary reductions in demand for the employer's products or reduction in demand for services offered by the employer, the employer will remunerate the employee's wages or salary to the amount of at least 60% of average earnings under the condition that there is an agreement between the employer and the union regarding this obstacle to work and the amount of remuneration of salary. Where there is no union, the employer has a right to file a proposal for the job centre to decide through administrative procedures on the basis of employer's data if there are reasons to remunerate salary to a lower amount than an employee's average earnings,
- time spent on a business trip or a trip outside the regular place of work in a different manner than carrying out work tasks, which is part of the working hours, is regarded as an obstacle to work on the employer's part for which the employee's salary is not reduced. However, if the employee loses wages or salary as a result of the form of remuneration, the employer will remunerate their wages or salary to the amount of average earnings.

State Labour Inspection Office, Department of Work Relations and Conditions, March 2009

OBSTACLES TO WORK

(Version valid as of 1st January 2008)

Basic information

- legal regulation: § 191 in accordance with Act no. 262/2006 Coll., Labour Code, as amended (hereinafter referred to as "LC"),
- if the employee knows about an obstacle to work in advance they must ask the employer in advance for leave. Otherwise the employee must inform the employer about an obstacle and its presumed length without undue delay,
- the employee must prove the obstacle to work to the employer. Legal entities and physical persons must assist the employee to be able to fulfil this obligation.

OBSTACLES TO WORK ON THE EMPLOYEE'S PART

Important personal obstacles to work

The employer will excuse the employee from work for the duration of important personal obstacles to work which temporarily prevent the employee from performing work for reasons which lie in such social events on the employee's part such as:

- employee's temporary sick leave,
- quarantine,
- maternity or parental leave,
- nursing a child younger than 10 years of age or another member of the household in line with § 115 of Civil Code (that is Act no. 40/1964 Coll.) and § 39 of Act on Health Insurance (that is Act no. 187/2006 Coll.),
- caring for a child younger than 10 years of age if this child has fallen ill or suffered an injury, or the person who normally cares for the child underwent a medical examination or treatment at a health care facility and it was not possible to have the examination or treatment outside of the employee's working hours.

Maternity leave

- in relation to giving birth and caring for a newborn child, a female employee is entitled to maternity leave for the duration of 28 weeks (in the case of 2 or more babies for 37 weeks),
- the time of maternity leave is for the purposes of annual leave rights considered as work performance,
- the employer must not assign the taking of annual leave to be taken during the time when a female employee is on maternity leave,
- if a female employee asks to take her annual leave so that it immediately follows the maternity leave, the employer must grant her request.

Parental leave

- an employer must grant a female or a male employee parental leave at their request,
- parental leave is granted to the mother of a child after the end of maternity leave and to the father of a child from the time of the child's birth within the scope they request up to the child's age of three at the latest.

The right for maternity and parental leave is also granted to a female or a male employee who took a child into care substituting parental care.

Other important personal obstacles to work

- if an employee cannot perform work for other important obstacles to work relating to their person, the employer must grant them at least **leave from work for the stated duration and in stated cases also remunerate wages or salary to the amount of average earnings.**

Field and extent of other important personal obstacles to work follow the government regulation no. 590/2006 Coll.

1. Medical examination or treatment

- leave from work with remuneration of wages or salary will be given for the minimum necessary period of time;

2. Work medical check up, examination or vaccination related to the performance of work

- leave from work will be given for the minimum necessary period of time;

3. Interruption of transport links or means of public transport running late

- leave from work without remuneration of wages or salary;

4. Travel to work made impossible

- work leave with remuneration of wages or salary will be given for the minimum necessary period of time, for 1 day at the most, to an employee with a severe handicap;

5. Wedding

- for own wedding work leave will be given for 2 days for the wedding, out of which 1 day is for the wedding itself, remuneration of wages or salary is due for 1 day only,
- work leave with remuneration of wages or salary will be given to a parent for 1 day to attend a wedding of their child and work leave of the same scope but without remuneration of wages or salary will be given to a child to attend the wedding of their parent;

6. Birth of a child

- leave from work will be given for the minimum necessary period of time:
 - with remuneration of wages or salary for taking wife (partner) to the hospital and back,
 - without remuneration of wages or salary to attend the birth itself;

7. Death

- leave from work with remuneration of wages or salary will be given for:
 - 2 days in the case of death of a husband/wife, partner or child and another day to attend the funeral of these persons,
 - 1 day to attend the funeral of the employee's parent or sibling, parents and siblings of the employee's husband/wife, as well as the employee's child's husband/wife or the husband/wife of the

- employee's sibling, and another day if the employee is arranging the funeral of these people,
- the minimum necessary period of time, 1 day at the most to attend the funeral of the employee's grandparent, grandchild or a grandparent of their husband/wife or another person who is not related to the stated persons but at the time of death lived in the employee's household, and for another day if the employee is arranging the funeral of these persons;

8. Accompaniment

- work leave to accompany a family member to the doctor for a minimum necessary period of time, 1 day at the most,
- **with remuneration of wages or salary** if the employee is accompanying their husband/wife, partner or child, parent or grandparent or their husband/wife,
- **without remuneration of wages or salary** if the accompanied person is another family member,
- work leave to accompany a disabled child to a social services institution or to school or a schooling institution will be given to one of the family members – with remuneration of wages or salary for the minimum necessary period of time, for 6 working days in a calendar year at the most,
- work leave to accompany a child to a school advice centre for the minimum necessary period of time without remuneration of wages or salary;

9. Funeral of a fellow worker

- work leave with remuneration of wages or salary will be given for the minimum necessary period of time;

10. Moving house

- work leave without remuneration of wages or salary will be given for the minimum necessary period of time, 2 days at the most,
- work leave with remuneration of wages or salary will be given if moving house is in the employer's interest;