

Filing a suit with a court

In addition, an employee is in a position to file a suit with the relevant court and in this way directly assert their money claims. For this it is necessary to write up the suit, the details of which are stated in Act no. 99/1963 Coll., Civil Procedure Code, as amended by later regulations, in § 79. In such cases there is a time limit of three years which runs from the day when the right could have been carried out for the first time in accordance with the provisions in § 101 of Act no. 40/1964 Coll., Civil Code.

Contacting a job centre

In such cases where an employer is declared insolvent, the process is determined by Act no. 118/2000 Coll. on Protection of Employees during Insolvency of an Employer and on amendments to other laws, as amended. The job centre will hang up information with regards to employers, the employees of which can draw their wage claims from the job centre, on the official notice board within 5 working days at the latest from the court notification of the bankruptcy order. At the same time the job centre will inform employees about the time limit within which they can draw these claims. The employee can draw their wage claims no later than 3 months from the day when the job centre

published the information on the official notice board. The employer is insolvent if they did not meet the due wage claims of employees, this means as of the day after the day when a proposal for a bankruptcy order was filed for them with the relevant court in the Czech Republic. Alternatively, if it concerns a supranational employer, also on the day when the employer was proclaimed insolvent with the relevant authority in the other member state of the European Union. In such cases an employee can turn to any job centre. In our country, like in other EU countries, a limit has been set for wage claims: at most one-and-a-half times the determined amount. The job centre informs about the fact that an employer has been declared bankrupt on its official notice board. Similarly, the Ministry of Labour and Social Affairs informs about the same on its websites on the internet.

The State Labour Inspection Office, the
Department for Labour Relations and
Working Conditions
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AN EMPLOYER DID NOT PAY A WAGE TO AN EMPLOYEE

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Basic information

In cases where a wage was not paid to an employee by the due date determined by an employer, the employee:

- will ask the employer in writing to pay the outstanding amount on the stated due date; this request has no legal implications,
- is in position to immediately terminate the employment in accordance with § 56 of Act no. 262/2006 Coll., Labour Code,
- can file a complaint with the labour inspectorate requesting an inspection,
- can sue through the courts,
- can contact a job centre in cases where the employer is declared insolvent.

Immediate termination of employment

In accordance with § 56 of Act no. 262/2006 Coll., Labour Code, as amended by later regulations (hereinafter referred to as the "Labour Code"), the employee can immediately

terminate the employment providing that 15 days have passed since the due date of the wage and only if the employer has not paid the wage, compensated for the wage or any part thereof. The employee must immediately terminate the employment in written form, no later than 2 months to the day of the day when he/she learnt the reason for the immediate termination and up to 1 year at the latest from the day when that reason arose. The reason must be specified with facts in such a way that it is not possible to confuse it with other reasons, and which can not be changed at a later stage. Immediate termination of the employment must be delivered to the other party by the due time, otherwise it is invalid.

Filing a complaint

An employee is also in a position to file a complaint with the competent labour inspectorate directly (addresses are available at the website www.suip.cz), or eventually with the State Labour Inspection Office, and request an inspection. The local regional labour inspectorate that is responsible for carrying out an inspection is determined by the location of the activity of the inspected person, it is the location where the work itself is performed. If an employee decides to file a complaint, it is

also useful to add copies of documents regarding the employment of the employee (contract of employment, wage slip, proof of employment and any other documents associated with work performance). At the same time it is necessary to state the place where the work is performed should it not correspond with the seat of the employer.

Details of the complaint:

- name and surname,
- date of birth (optional data),
- permanent address, or alternative address for receiving mail,
- details regarding the unpaid wage, compensation of the wage or part of it,
- complainant's signature.

If an employee files a complaint in an electronic form, it is advisable for them to confirm it in writing or verbally in a protocol. Alternatively an electronic complaint can be signed using the complainant's guaranteed electronic signature.

If the details are incomplete and an inspection is carried out by the competent regional labour inspectorate, an employee will be only informed whether, or not, the inspection took place.

If the contrary is true, the employee will be informed in writing about the results of the inspection in accordance with the provision in § 5 paragraph 2 of Act no. 251/2005 Coll., on labour inspection, as amended by later regulations (hereinafter referred to as the "Act on Labour Inspection"). When informing about the results of the inspection, the rights and legally protected interests of the employer and those of other citizens to personal identity protection and personal data protection must not be infringed.

Regional labour inspectorates are entitled to check that employers adhere to their duties in accordance with the legal regulations stated in the provision § 3 of the Act on Labour Inspection. Furthermore, they are entitled to demand the removal of found shortcomings and impose penalties on employers for found infringements.

The relevant regional labour inspectorate is wholly responsible for evaluating the relevance of a complaint and determining a date for an eventual inspection. At present, regional labour inspectorates are struggling to cope with the large number of complaints. For these reasons it is not possible to investigate complaints in the short term.