

Termination of temporary assignment

- Temporary assignment ends when the time for which it was negotiated is up; before this time is up the temporary assignment ends by an agreement between the employment agency and the temporarily assigned employee or by a unilateral statement from the service user of the temporarily assigned employee in line with the conditions negotiated in the agreement on temporary assignment of the employment agency employee.

Comparable employee

- The employment agency and the service user must ensure that work and wage conditions for a temporarily assigned employee are not or would not be worse than those of a comparable employee (a temporarily assigned employee has the right to demand that the employment agency meets their rights arising in this way).

Time restriction of temporary assignment

- The employment agency is not allowed to temporarily assign the same employee to carry out work for the same service user for a period longer than 12 consecutive calendar months (this restriction does

not apply in case the employee requests this from the employment agency or if the work is carried out to cover for a female employee of the service user who is on maternity or parental leave, or to cover for an employee of the service user who is on parental leave).

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

AGENCY EMPLOYMENT

There have been no changes in this area as a result of the amended Labour Code which came into effect on 1st January 2008

Basic information

- The conditions of agency employment are regulated by section 2 par. 5 and sections 308 – 309 of Act no. 262/2006 Coll., Labour Code as amended, and obtaining a licence for agency employment activity is regulated by section 58 – 66 Act no. 435/2004 Coll., Employment Act, as amended.

Employment Agency

- Employment Agency means any physical person or legal entity, independent of public authorities, which provides one or more services on the labour market on the basis of a licence issued by the Ministry of Labour and Social Affairs (vacant positions on offer, temporary workers for clients, other services related to seeking employment e.g. providing information about employment, etc.).

Mediation of Employment

- An agency can arrange employment in the same way as job centres do (vacant positions on offer), this service is free of charge for employees. An agency acts mostly as an employer who enters into employment contracts or agreements about work carried out with members of the public in order to temporarily assign their employees to carry out work with a different person – service user (so called agency employment).

Agreement on Temporary Assignment

- An agency temporarily assigns its employee to carry out work for a service user on the basis of an agreement on temporary assignment between the agency and the service user. The agreement must be in writing otherwise it is not valid. The elements of the agreement on temporary assignment are listed in section 308 par. 1 of the Labour Code.

Fixed-term Contract of Employment - Exception

- Employment agencies and their employees usually repeatedly enter into fixed-term contracts of employment (which is equal to the length of the

temporary assignment) which they are allowed to do in line with exception to the provisions in section 39 par 2 to 5 of Labour Code according to which restrictions regarding entering into fixed-term contracts do not apply to employment contracts of agency workers. The service user, however, is obliged to inform all temporarily assigned agency workers about vacant positions and thus enable the workers to become employed by the service user.

Agreement on protection of service user's property

- The service user and the employee can adopt measures (enter into an agreement) in the interest of protecting the service user's property (valuables that were entrusted to account, and entrusted objects) which make it possible to claim damages inflicted by the employee.

Employment process management

- For the duration of the temporary assignment of an agency employee with a service user, the service user sets down tasks for the agency employee, organizes, manages and controls their work, gives instructions for that purpose, creates favourable work conditions and

ensures health and safety at work. The service user however is not allowed to make legal acts towards the agency employee on behalf of the agency.

Assignment on the basis of an order in writing

- The employment agency temporarily assigns an employee to carry out work for the service user on the basis of an order in writing which has the following elements:
 - a) name and registered address of the service user,
 - b) place of work of the service user,
 - c) duration of temporary assignment,
 - d) name of employee in charge who can give the agency employee tasks and check them,
 - e) a unilateral statement on the conditions for finishing the performance of the work before the fixed term assignment time is up, if such conditions were negotiated in the agreement on temporary assignment of an agency employee,
 - f) information on work and wage or salary conditions of a comparable employee with the service user.