

CZECH REPUBLIC
1961 CHARTER
NON-ACCEPTED PROVISIONS

Article 1 – The right to work

With a view to ensuring the effective exercise of the right to work, the Contracting Parties undertake:

4. to provide or promote appropriate vocational guidance, training and rehabilitation.

In the area of active employment policy, the Labour Office of the Czech Republic provides and ensures (through the external purchase of services) career counselling, vocational training (through retraining) and rehabilitation (in the area of vocational rehabilitation).

There is a qualification profile of a careers counselling provider defined in the National Qualifications System of the Czech Republic (<https://narodnikvalifikace.cz/en-us/qualification-1538>).

Also, there is an examination defined in the evaluation standard of National Qualifications System, whereby a candidate can obtain a Career Counsellor Certificate of Professional Qualification. The holder of this professional qualification is qualified to provide careers counselling in a lifelong perspective.

The current system of providing retraining is sufficiently flexible. In addition to providing retraining to jobseekers and persons interested in job, the Labour Office of the Czech Republic can also cover the cost of the so-called selected retraining when, under the conditions set out in the Act No. 435/2004 Coll., Employment Act, it is possible for a jobseeker or a person interested in job to choose independently a specific retraining course and the relevant retraining facility.

Furthermore, it is also possible, on the basis of a written agreement, to fully or partially reimburse the costs of retraining to the employer who carries out the retraining in the interest of the further employment of his/her employees or to the retraining establishment which provides this activity for the employer.

The implementation of active employment policy instruments and measures is fully within the competence of the Labour Office of the Czech Republic, which is responsible for the appropriateness of their use in relation to the effective use of allocated funds from the state budget and ESF funds (application of the 3E criteria). Access to active employment policy instruments is also guaranteed to foreigners – third-country nationals, provided that the conditions laid down by law are met.

As regards vocational rehabilitation, according to the Act No. 435/2004 Coll., Employment Act, it belongs to persons with disabilities, i.e. persons defined in the provisions of Section 67(2) to (6) of this Act, i.e. persons who are recognised as disabled under Czech legislation.

Article 4 – The right to a fair remuneration

With a view to ensuring the effective exercise of the right to a fair remuneration, the Contracting Parties undertake:

1. to recognise the right of workers to a remuneration such as will give them and their families a decent standard of living;

In the Czech Republic, there are legal regulations on the lowest levels of guaranteed wages, which set additional minimums graded according to the complexity, responsibility and difficulty of the work performed.

At the same time, the Czech Republic is currently preparing for the transposition of Directive (EU) 2022/2041 of the European Parliament and of the Council of 19 October 2022 on adequate minimum wages in the European Union, which sets out a framework for adequate legal minimum wages in order to ensure decent living and working conditions for employees.

One of the basic criteria (but not absolutely decisive and sufficient) for determining the threshold of a decent wage is the attainment of 60% of the net average national wage. In 2022, the net minimum wage was CZK 14 269 and the net average wage was CZK 32 424. Thus, the net minimum wage in that year reached 44% of the net average national wage.

Article 8 – The right of employed women to protection

With a view to ensuring the effective exercise of the right of employed women to protection, the Contracting Parties undertake:

4. a) to regulate the employment of women workers on night work in industrial employment;

Night work is regulated in Section 94 of the Act No. 262/2006 Coll., Labour Code, whether for men or women, as follows:

(1) The length of a night worker's shift may not exceed 8 hours within 24 consecutive hours; if this is not possible for operational reasons, the employer shall be obliged to distribute the fixed weekly working time so that the average length of the shift does not exceed 8 hours in a period of no more than 26 consecutive weeks, the average length of the night worker's shift being calculated on the basis of a five-day working week.

2) The employer shall ensure that an employee working at night is examined by an occupational health service provider in the cases and under the conditions laid down for occupational health services by the Act No. 373/2011 Coll., Specific Health Services Act. Reimbursement for the health services provided may not be claimed from the employee.

3) The employer shall be obliged to provide adequate social security, in particular refreshments, for night workers.

(4) The employer shall equip the workplace where night work is carried out with first aid facilities, including the provision of means to summon emergency medical assistance.

b) to prohibit the employment of women workers in underground mining, and, as appropriate, on all other work which is unsuitable for them by reason of its dangerous, unhealthy, or arduous nature.

The working conditions of female employees are regulated in Section 238 of the above mentioned Labour Code as follows:

1) Female employees shall not be employed in work that endangers their maternity. The Ministry of Health shall determine by decree the jobs and workplaces that are prohibited for pregnant employees, employees who are breastfeeding and employees who are mothers until the end of the ninth month after childbirth.

2) It shall be prohibited to employ a pregnant employee, an employee who is breastfeeding and a female employee who is a mother until the end of the ninth month after childbirth in work for which they are not medically fit.

Article 9 – The right to vocational guidance

With a view to ensuring the effective exercise of the right to vocational guidance, the Contracting Parties undertake to provide or promote, as necessary, a service which will assist all persons, including the handicapped, to solve problems related to occupational choice and progress, with due regard to the individual's characteristics and their relation to occupational opportunity: this assistance should be available free of charge, both to young persons, including school children, and to adults.

The right to professional career guidance can be effectively exercised on the basis of:

- Act No. 435/2004 Coll., Employment Act,
- Decree No 518/2004 Coll., implementing the Employment Act.

In the public employment services, in accordance with the above-mentioned legal regulations, the Labour Office of the Czech Republic provides free of charge career counselling, which focuses in particular on providing information on occupations, prerequisites and eligibility for a particular occupation, study options, preparation for a profession and job opportunities.

The availability of guidance is currently ensured mainly by the network of Information and Guidance Centres for Choice and Change of Occupation (IPS), which are an integral part of the regional branches of the Labour Office of the Czech Republic and are located in every district of the Czech Republic.

IPS provide free services to primary school pupils, students and school leavers, the parental public, school establishments and other interested parties.

This is without prejudice to the provision of advisory services by institutions of the Ministry of Education, with which the Labour Office of the Czech Republic works in close cooperation.

Career counselling is provided by the Labour Office of the Czech Republic not only to individuals on the register of job seekers and persons interested in job, but also to clients from the general public, including persons with disabilities.

The Labour Office of the Czech Republic provides its clients with expert career counselling not only during the initial choice of a career, but also throughout their professional career as part of lifelong learning.

Article 10 – The right to vocational training

With a view to ensuring the effective exercise of the right to vocational training, the Contracting Parties undertake:

1. to provide or promote, as necessary, the technical and vocational training of all persons, including the handicapped, in consultation with employers' and workers' organisations, and to grant facilities for access to higher technical and university education, based solely on individual aptitude;

In the Czech Republic, further education is provided under the unqualified trade regime and the state does not directly influence the supply of further education. The supply just corresponds to demand.

Adults can take a retraining course accredited under the Act No. 435/2004 Coll., Employment Act, by the Ministry of Education, Youth and Sports or by another ministry in accordance with a specific legal regulation.

Retraining courses are covered by the State Active Employment Policy. There is also a possibility to receive support up to CZK 50 000 in the framework of so-called selected retraining, whereby the individuals can choose the course provider if they are approved for such a retraining.

As a part of the implementation of the National Recovery Plan, there is massive support for digital learning provided as well.

2. to provide or promote a system of apprenticeship and other systematic arrangements for training young boys and girls in their various employments,

Vocational education prepares pupils for future career in line with the labor market needs and it is provided free of charge. Education is provided in accordance with the curriculum issued for each field of education.

Vocational education is divided into categories of educational attainment. That reflects abilities and skills of pupils who follow the respective field of education. In particular, the curriculum determines the specific objectives, forms, duration, and compulsory content of education for respective field of education.

The curriculum also contains the organizational structure, the professional profile, the conditions for the course and for completion of education, the conditions for the education of pupils with special needs, as well as the necessary material, personnel, organizational, health and safety conditions.

Before the issuance of the curriculum for vocational training, the curriculum is discussed by the Ministry of Education, Youth and Sports together with the relevant trade unions and the regions as well as with the relevant employers' organizations with a national scope.

3. to provide or promote, as necessary:

a) adequate and readily available training facilities for adult workers;

Regional branches of the Labour Office of the Czech Republic provide retraining in cooperation with retraining institutions.

Act No. 435/2004 Coll., Employment Act, stipulates in the provisions of Section 108(2) which facilities may carry out retraining:

(a) establishments which have received accreditation from the Ministry of Education and Science for a training programme;

b) an establishment with an accredited training programme under a special legal regulation - e.g. accreditation by the Ministry of Labour and Social Affairs for courses for social services workers;

c) a school within the field of education that is registered in the register of schools and educational establishments or a higher education institution with an accredited study programme according to a special legal regulation;

d) an establishment with an educational programme according to a special legal regulation.

b) special facilities for the re training of adult workers needed as a result of technological development or new trends in employment;

Directorate General of the Labour Office of the Czech Republic has the competence to establish training and retraining centres under the provisions of Section 8(j) of Act No. 435/2004 Coll., Employment Act.

4. to encourage the full utilisation of the facilities provided by appropriate measures such as:

a) reducing or abolishing any fees or charges;

Retraining is completely exempt from VAT under Act No. 235/2004 Coll., on value added tax.

b) granting financial assistance in appropriate cases;

Support for retraining - the conditions of entitlement are regulated in Section 40 of the Act No. 435/2004 Coll., Employment Act.

The Labour Office of the Czech Republic may provide a contribution to cover the proven necessary costs associated with retraining to a jobseeker if he/she participates in retraining carried out pursuant to Section 109 of the aforesaid Employment Act. The types of such costs are set out in Section 3 of Decree No. 519/2004 Coll.

In accordance with Section 110 of the Employment Act and Decree No. 519/2004 Coll., the Labour Office of the Czech Republic may cover the costs of retraining employees if the employer requests a financial contribution.

c) including in the normal working hours time spent on supplementary training taken by the worker, at the request of his employer, during employment;

Retraining of employees consisting in the acquisition, increase or extension of qualifications shall take place during working hours and shall constitute an obstacle to work on the part of the employee; the employee shall be entitled to wage compensation for this period in the amount of average earnings. Outside working hours, retraining shall take place only if this is necessary because of the way in which it is provided.

d) ensuring, through adequate supervision, in consultation with the employers' and workers' organisations, the efficiency of apprenticeship and other training arrangements for young workers, and the adequate protection of young workers generally.

In the Czech Republic, further education is provided under the unqualified trade regime and the state does not directly influence the supply of further education. The supply just corresponds to demand.

Before the issuance of the curriculum for vocational training, the curriculum is discussed by the Ministry of Education, Youth and Sports together with the relevant trade unions and the regions as well as with the relevant employers' organizations with a national scope.

Article 15 – The right of physically or mentally disabled persons to vocational training, rehabilitation and social resettlement

With a view to ensuring the effective exercise of the right of the physically or mentally disabled to vocational training, rehabilitation and resettlement, the Contracting Parties undertake:

1. to take adequate measures for the provision of training facilities, including, where necessary, specialised institutions, public or private;

From the perspective of the education of disabled persons, it is provided, in accordance with the curriculum, to all prospective pupils or students free of charge.

Pupils or students with special needs are provided with support measures during their studies in order to set the conditions for their education in such a way that they are properly prepared for their future profession, but also for successful completion of their education.

Vocational rehabilitation is defined by the Act No. 435/2004 Coll., Employment Act (Sections 69 to 74) and Decree No.518/2004 Coll., implementing the Employment Act. This decree specifies in Sections 1 to 5 the content of the Individual Plan for Vocational Rehabilitation (hereinafter referred to as "IPPR"), the types of costs covered by the Labour Office of the Czech Republic and the method of their payment.

Every person with a disability who applies for vocational rehabilitation is legally entitled to it. Entry into vocational rehabilitation is voluntary. The scope of persons who are considered disabled for employment purposes is defined in the provisions of Section 67(2) to (6) of the abovementioned Employment Act.

On the basis of a recommendation from the attending physician, natural persons who are recognised as temporarily unable to work and, on the basis of a recommendation from the district social security administration, natural persons who have ceased to be disabled may also be included in vocational rehabilitation. Even in these cases, the application shall be submitted by for vocational rehabilitation by the individual himself, so it is always his / her own decision.

Vocational rehabilitation is provided by the regional branch of the Labour Office of the Czech Republic locally competent according to the residence of the disabled person on the basis of the submitted application and covers the costs associated with it.

Vocational rehabilitation is carried out according to the IPPR, which is drawn up by the Labour Office of the Czech Republic in cooperation with the disabled person.

The IPPR contains, among other things, the selected forms of vocational rehabilitation (individual activities), which are chosen with regard to the possibilities, abilities and health capacity of the disabled person and with regard to the situation on the labour market.

The individual forms of vocational rehabilitation can be provided by the Labour Office of the Czech Republic in cooperation with other entities authorised to provide them.

Vocational rehabilitation includes:

- counselling activities focused on the choice of a profession, employment or other gainful activity;
- theoretical and practical preparation for employment or other gainful activity;
- activities aimed at facilitating, maintaining and changing employment or occupation; and
- the creation of suitable conditions for the pursuit of employment or other gainful activity.

The Labour Office of the Czech Republic covers all costs associated with the provision of vocational rehabilitation.

Participants in vocational rehabilitation are reimbursed by the Labour Office of the Czech Republic for proven travel expenses, accommodation expenses, food and insurance against

damage caused by the participant in vocational rehabilitation within the framework of vocational rehabilitation.

In addition, disabled persons are also entitled to support for retraining during the period of participation in the preparation for work and during the period of a specialised retraining course (keeping of disabled persons in the register of job seekers is not the condition), provided that the statutory conditions are met.

The Labour Office of the Czech Republic also reimburses the costs of a health assessment to a participant in vocational rehabilitation if the participant undergoes the health assessment at the request of the regional branch of the Labour Office of the Czech Republic.

Article 18 – The right to engage in a gainful occupation in the territory of other Contracting Parties

With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Contracting Party, the Contracting Parties undertake:

1. to apply existing regulations in a spirit of liberality;

The employment of foreign nationals as employees in the territory of the Czech Republic is governed by Act No. 435/2004 Coll., Employment Act and Act No. 326/1999 Coll., on the Residence of Foreigners in the Territory of the Czech Republic.

Pursuant to Section 85 of the Employment Act, a citizen of the European Union and his/her family member and a family member of a Czech citizen are not considered foreigners for the purposes of employing employees from abroad.

An EU citizen and his/her family member, as well as a family member of a Czech citizen, have the same legal status as Czech citizens in legal relations under the Employment Act, i.e. these persons have free access to the Czech labour market.

An EU national or his/her family member does not need a work permit, employee card, blue card or intra-corporate transferee card to work in the Czech Republic if he/she proves the above status.

A foreigner who has been granted permanent residence permit, have also free access to the Czech labour market.

A foreigner (i.e. a third-country national who is not a family member of an EU/Czech citizen) may be employed and employed pursuant to Sections 89(1) and 89(2) of the Employment Act if he/she holds a valid Employee Card or an Intra-Company Transferred Employee Card or a Blue Card, unless otherwise provided for in this Act.

Furthermore, a foreigner may be recruited and employed if he/she holds a valid employment permit issued by a regional branch of the Labour Office of the Czech Republic and a valid residence permit in the territory of the Czech Republic.

The Employee Card, Intra-Corporate Transferred Employee Card and Blue Card are types of dual long-term residence (i.e., they entitle foreigners to stay and work in the territory of the Czech Republic) issued to foreigners under the Act on Residence of Foreigners by the Ministry of the Interior.

The employment permit is issued by a regional branch of the Labour Office of the Czech Republic and can be issued to a foreigner for up to two years on the basis of a submitted employment contract, employment agreement or future contract in which the parties undertake

to conclude an employment contract or employment agreement within a specified period of time.

The employment permit contains the foreigner's identification data, the place of work, the type of work, the identification data of the employer with whom the foreigner will be employed, the period for which it is issued, or other data necessary for the performance of employment.

However, an employment permit alone is not sufficient for the legal performance of work in the Czech Republic and it is necessary that the foreigner also possess a valid residence permit.

Section 98 of the Employment Act also provides an exhaustive list of categories of foreigners who do not need an employment permit, an Employee Card, an Intra-Corporate Transferred Employee Card or a Blue Card to work in the territory of the Czech Republic - e.g. foreigners with permanent residence (as mentioned above), foreigners who are continuously training for a future profession in the territory etc.

Access to the Czech labour market is granted to all third-country nationals who obtain one of the types of work and residence permits.

2. to simplify existing formalities and to reduce or abolish chancery dues and other charges payable by foreign workers or their employers;

Long-term visas and long-term stays are issued to foreigners by the Ministry of the Interior. Short-term visas for up to 90 days are issued abroad by the Czech embassies.

However, in the long term, the majority of foreign workers in the Czech Republic are foreign workers with free access to the labour market.

Foreigners who are allowed to enter the labour market are dominated by holders of employment cards. In 2022, out of a total of 793,290 foreign workers, the registry reported 407,257 information cards of citizens of EU/EEA Member States and Switzerland, including their family members, and 265,214 information cards of third-country nationals with free access to the labour market (such as those who have permanent residence permit).

Among foreign workers who enter the labour market on the basis of a work permit, 111,287 holders of Employee Cards, 7,822 holders of work permits, and 1,710 holders of Blue Cards were registered as of 31 December 2022 out of a total of 120,819.

The application submission fee for an employment permit is CZK 500; the application submission fee for an extension of an employment permit is CZK 250.

3. to liberalise, individually or collectively, regulations governing the employment of foreign workers.

Access to the Czech labour market is available to all third-country nationals who obtain one of the types of work and residence permits. The Czech Republic does not restrict in any way the performance of work by foreigners on the basis of job position or geographical location. Exceptions are jobs related to the protection of human rights, public interest or national security and involving the exercise of public functions of public authority.

When applying for an employment permit, the foreigner is obliged to submit, inter alia, documents certifying professional competence for the performance of the requested employment (teaching certificate, matriculation certificate, diploma of completion of university studies, etc.), or other documents, if this results from the nature of the employment or if it is stipulated by a declared international treaty.

Documents certifying professional competence to perform the required job must be super-legalized (or apostilled) and nostrified.

According to the Employment Act, a jobseeker is a natural person who applies for mediation of suitable employment to the regional branch of the Labour Office of the Czech Republic in whose territorial district he / she resides, one of the conditions being that the person is not in an employment relationship or in a service relationship.

The residence of a foreigner who is not a family member of a Czech citizen is the address of permanent residence in the territory of the Czech Republic.

The residence of a foreigner who holds a long-term residence permit for the purpose of employment in a highly skilled position (Blue Card) is the address indicated as the place of residence in the agency information system for foreigners.

However, it is not a legal requirement that an unemployed person must become a jobseeker. A foreigner may use the services of the Labour Office of the Czech Republic as a person interested in job if he/she applies for inclusion in the register of persons interested in job.

Cancellation of residence permits is the responsibility of the Ministry of the Interior.

Article 19 – The right of migrant workers and their families to protection and assistance

With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Contracting Party, the Contracting Parties undertake:

1. to maintain or to satisfy themselves that there are maintained adequate and free services to assist such workers, particularly in obtaining accurate information, and to take all appropriate steps, so far as national laws and regulations permit, against misleading propaganda relating to emigration and immigration;

In the Czech Republic, the portal www.cizinci.cz has been established as a key source of information on the integration of foreigners and is regularly updated.

The portal provides information in a comprehensible form on the basic areas of life in the Czech Republic, helps to connect users with relevant organisations and institutions, and provides specific information on housing, education, employment, residence permits, health and social services, all with direct contact to the relevant institutions.

This portal is available in Czech, English, Ukrainian and Russian.

In addition, information phone lines or mobile application *Smart Migration* are being set up, and information spots are being filmed and published. The aim of these activities is to further make verified information available in a comprehensible form so as to further reduce the threshold of accessibility.

In addition to providing information on its own website, the Labour Office of the Czech Republic provides individual counselling to foreigners and employers at its regional branches.

In accordance with Act No. 251/2005 Coll., on Labour Inspection, the State Labour Inspection Office (hereinafter referred to as "SUIP") and the regional labour inspectorates provide basic information and advice to employees and employers free of charge regarding the protection of labour relations and employment.

Advice is provided in person, by telephone or by e-mail. Information on the contact points where advice is provided is given on the website of the SUIP (www.suip.cz/web/en).

The public can find a range of information on labour relations, occupational safety and employment on the website of SUIP, which includes, for example, outputs from inspection activities, press releases and news.

The *'Information leaflets'* section of the aforesaid website provides the public with basic practical information on labour relations and occupational safety, which is regularly updated and available in several languages.

Employees and citizens can also submit a complaint for inspection via an electronic form available on the website. This form is available in English too.

In addition to the public administration's own activities, projects of NGOs where foreigners are the target group are also supported.

These projects aim e.g. at increasing the availability of employment for foreigners, at the integration of foreigners and at improving the qualifications or the use of qualifications of foreigners.

2. to adopt appropriate measures within their own jurisdiction to facilitate the departure, journey and reception of such workers and their families, and to provide, within their own jurisdiction, appropriate services for health, medical attention and good hygienic conditions during the journey;

The rights of third-country migrant workers depend on their residence status. With regard to migrant workers, persons who are employed in the territory of the Czech Republic by an employer with its registered office or permanent residence in the Czech Republic are insured under the public health insurance system.

This group of persons has guaranteed access to health services to the same extent and under the same conditions as insured citizens can enjoy.

Family members accompanying the migrant worker must also be provided with some form of health insurance.

Given that the public health insurance system does not provide for a derivative entitlement to insurance, it is necessary to have this right separately or to have commercial health insurance, which is a compulsory part of the application for a residence permit in the Czech Republic. This is usually the case for a non-working spouse and minor children.

The Parliament of the Czech Republic adopted recently an amendment to Act No. 48/1997 Coll., on Public Health Insurance, which introduces compulsory public health insurance for minor children granted long-term residence.

By this step, the legislator has resolved the situation of children who were not entitled to public health insurance and who have been living in the Czech Republic for a long time with their parents (mostly children of migrant workers).

Again, the scope of covered health services is the same as for insured persons here.

The amendment is currently awaiting the signature of the President of the Republic.

3. to promote co-operation, as appropriate, between social services, public and private, in emigration and immigration countries;

As regards the provision of social services, this is regulated in the Czech Republic primarily by Act No. 108/2006 Coll., Social Services Act (hereinafter referred to as "Social Services Act").

This Act regulates the provision of social services not only to citizens of the Czech Republic but also to various groups of foreigners, including migrants, residing in the Czech Republic.

If foreigners residing in the territory of the Czech Republic, who have been granted a residence status issued by the Ministry of the Interior, apply for the provision of a social service and at the same time they meet the conditions for its provision (they are in an unfavourable social situation to which the given social service responds), the social service will be provided to them in accordance with Article 4(2)(a) of Social Services Act.

Such persons fall within the category of persons referred to in Section 4(1)(i) of Social Services Act, i.e. foreigners without permanent residence in the territory of the Czech Republic, whose entitlement is guaranteed by an international treaty that is part of the Czech legal order (European Social Charter). The persons in question thus clearly fall within the circle of eligible persons defined by Social Services Act.

With regard to the question of the operation of social services registered under Social Services Act, in accordance with the existing legal regulation, it can be stated that the scope of social services, regardless of the legal form of their provider or the nature of their founder, is limited "only" to the territory of the Czech Republic.

It follows that social service providers perform their activities (place of service provision) in the territory of the Czech Republic, not outside this territory. This does not mean, however, that they cannot contact institutions or persons abroad in the framework of providing social services and in situations where it is necessary with regard to assessing the needs of the user or establishing decisive facts for the assessment of his/her adverse situation. However, the place of provision of the social service as such still remains on the territory of the Czech Republic.

It follows from the above that Social Services Act does not in itself prevent public administration entities or social service providers themselves from contacting institutions or persons located abroad in the course of their activities (such cooperation is also facilitated by the possibility of using ICT resources), but in fact it is limited only to the exchange or sharing of information.

4. to secure for such workers lawfully within their territories, insofar as such matters are regulated by law or regulations or are subject to the control of administrative authorities, treatment not less favourable than that of their own nationals in respect of the following matters:

a) remuneration and other employment and working conditions;

Pursuant the Czech labour legislation, employers are obliged to ensure equal treatment of all employees with regard to their working conditions, remuneration for work and the provision of other benefits and benefits of monetary value, training and the opportunity to achieve promotion or other advancement in employment.

For example, an employer cannot make pay differentials between employees if they perform the same work or work of equal value. An employer also cannot make distinctions in the provision of benefits to employees (e.g. in the provision of meal vouchers, contributions to various insurances, etc.).

Any discrimination in employment relationships is prohibited. Employees have the right to be treated equally with other employees in their employment and not to be discriminated against, in particular, on grounds of sex, sexual orientation, racial or ethnic origin, nationality, citizenship, social origin, descent, language, health, age, religion or belief, property, marital or

family status and family relationships or obligations, political or other opinion, membership and activity in political parties or political movements, trade unions or employers' organisations; discrimination on the grounds of pregnancy, maternity, paternity or gender identification shall be deemed to be discrimination on grounds of sex.

The remuneration of migrant workers is governed by the same conditions as for all other employees, including minimum wages or minimum levels of guaranteed pay.

Less favourable conditions of remuneration for migrant workers would be considered a violation of the principle of equal treatment of employees (Article 16(1) of the Act No. 262/2006 Coll., Labour Code) and could also constitute discrimination (Article 16(2) of the Labour Code).

b) membership of trade unions and enjoyment of the benefits of collective bargaining;

There are no obstacles to his / her membership in a trade union and enjoyment of the benefits of collective bargaining if the migrant worker is in an employment relationship.

The Czech Republic treats all workers equally on this issue, regardless of whether they are migrants or not.

c) accommodation;

The current version of the Labour Code expressly provides for the obligation to ensure accommodation conditions (in terms of a certain standard) only in the context of the regulation of the posting of employees of an employer from another Member State of the European Union to perform work within the framework of the transnational provision of services in the territory of the Czech Republic.

This is the transposition of Directive (EU) 2018/957 of the European Parliament and the Council of 28 June 2018 with effect from 30 July 2020 by Act No. 285/2020 Coll. amending Act No. 262/2006 Coll., Labour Code, and certain other related acts.

5. to secure for such workers lawfully within their territories treatment not less favourable than that of their own nationals with regard to employment taxes, dues or contributions payable in respect of employed persons;

Act No. 586/1992 Coll., on Income Taxes, does not make any distinction (not only for the purposes of taxation of employee income) on the basis of citizenship.

Moreover, the Czech Republic currently implements almost 100 international treaties on the avoidance of double taxation, the vast majority of which contain provisions prohibiting discrimination (i.e. different or more burdensome treatment) in the area of income taxation on the basis of nationality.

In other words, if a foreigner is in the same situation as a citizen of the Czech Republic, including, of course, tax domicile, there is no difference between them in income taxation.

Moreover, within the EU, the fundamental freedoms of the internal market and the resulting prohibition of discrimination are binding on the Czech Republic as a Member State as well.

6. to facilitate as far as possible the reunion of the family of a foreign worker permitted to establish himself in the territory;

The employment of foreign nationals as employees in the territory of the Czech Republic is governed by Act No. 435/2004 Coll., Employment Act.

Residence and residence permits of foreign nationals in the territory of the Czech Republic are governed by Act No. 326/1999 Coll., on the Residence of Foreigners in the Czech Republic and on Amendments to Certain Acts.

Section 3(2) of the Employment Act provides that a national of another Member State of the European Union and a member of his or her family have the same legal status in legal relations governed by this Act as a citizen of the Czech Republic, unless this Act provides otherwise.

Section 3(3) of the Employment Act further provides that family members of a citizen of the Czech Republic who are not nationals of the Czech Republic or another Member State of the European Union have the same legal status as a citizen of the Czech Republic in legal relations governed by this Act, unless this Act provides otherwise.

According to Section 98(1) of the Employment Act, an employment permit, an Employee Card, an Intra-Corporate Transferred Employee Card or a Blue Card is not required for employment of a foreigner who is staying in the territory of the Czech Republic on the basis of a long-term residence permit for the purpose of family cohabitation, if the family cohabitation is performed with a foreigner who has been granted permanent residence or who has been granted asylum or subsidiary protection, or who is carrying out continuous educational or scientific activities in the Czech Republic as a teaching staff member or academic staff member of a university or a scientific, research or development worker in a public research institution or other research organisation pursuant to a special legal regulation (Act No. 341/2005 Coll., on Public Research Institutions), or with a foreigner who is staying in the territory of the Czech Republic on the basis of a valid long-term residence permit.

7. to secure for such workers lawfully within their territories treatment not less favourable than that of their own nationals in respect of legal proceedings relating to matters referred to in this article;

It is already clear from the Act No. 2/1993 Coll., Charter of Fundamental Rights and Freedoms, that everyone - without distinction as to nationality, citizenship, colour, religion, etc. - has the right to access to an independent and impartial court and to a review of the legality of a decision of a public authority (Article 36(1) and (2)).

At the same time, everyone has the right to legal aid (Article 37(2)), and emphasis is placed on the equality of all parties before the court (Article 37(3)).

Finally, in order to achieve de facto equality, the right to an interpreter is guaranteed, should a particular party not be able to speak Czech (Article 37(4)).

Sub-constitutional legislation is built on the aforesaid constitutional principles. Act No. 99/1963 Coll., Civil Procedure Code, which regulates the procedure of courts in private law cases, as well as Act No. 150/2002 Coll., Administrative Procedure Code, regarding the review of decisions of public administration bodies, establish general rules that apply to all proceedings and all claimants, regardless of whether they are Czech citizens or foreigners.

These laws therefore do not provide for less favourable rules for foreign workers who are legally present in the Czech Republic.

What is more, the laws in question take into account a certain handicap that migrant workers may face. This is the risk of a language barrier. For these purposes, Section 18 of the Civil Procedure Code confirms that the parties have equal status in civil proceedings and, in order to achieve this equality, they have the right to act before the court in their mother tongue.

If a party's mother tongue is a language other than Czech, the court is obliged to appoint an interpreter for him/her at the moment when this circumstance comes to light in the proceedings (ex officio).

Since the rules of the Code of Civil Procedure apply subsidiary to administrative proceedings under the Administrative Procedure Code (pursuant its Section 64), these requirements apply *mutatis mutandis* to proceedings before administrative courts.

8. to secure that such workers lawfully residing within their territories are not expelled unless they endanger national security or offend against public interest or morality;

Residence and residence permits of foreign nationals in the territory of the Czech Republic are governed by Act No. 326/1999 Coll., on the Residence of Foreigners in the Czech Republic and on Amendments to Certain Acts.

Cancellation of residence permits is the responsibility of the Ministry of the Interior.

By its decision, the Ministry of Interior revokes the validity of a foreign national's visa for a stay of over 90 days only if

- a. he/she was legitimately sentenced to over three years of imprisonment for committing a deliberate criminal act,
- b. he/she did not meet the purpose for which the visa was issued,
- c. the foreign national requests the visa's validity be cancelled,

and also if

- a. the foreign national gave false data in the visa application or submitted forged or modified documents or documents in which the data essential for appraising the application did not correspond to the facts,
- b. the foreign national no longer meets some of the conditions for granting the visa,
- c. during a residence control the police discover that the foreign national does not have a valid travel document or submits a forged or modified travel document and
 1. within a set deadline the foreign national did not submit confirmation that he/she has requested a new travel document be issued, or
 2. although there is a reason for issuing a foreign passport or travel identity card, the foreign national did not request this travel document to be issued,
- d. the foreign national's travel document was declared invalid or stolen by the authority of the state that issued it and the foreign national does not submit a certificate pursuant to (c),
- e. the foreign national did not meet the obligation to submit an application on granting a visa for a foreign national born in the Czech Republic within 60 days of birth,
- f. another European Union or Schengen state implementing a common expulsion procedure has decided to expel the foreign national due to sentencing the foreign national to at least one year of imprisonment or for reasonable suspicion that he/she has committed a serious criminal act or is preparing such an act in the territory of a European Union or Schengen state implementing a common expulsion

procedure, and further for reasons of infringing the legal regulations governing the entry and stay of foreign nationals in their territories, or

- g. during a residence control, the foreign national fails to submit a document on travel medical insurance, corresponding to the set conditions, within the deadline set by the police,

under condition that the results of this decision on revoking the visa's validity are adequate to the reason for revoking the visa's validity, taking into account the impacts on the foreign national's private or family life.

In the decision to revoke the visa's validity, the Ministry of Interior sets a deadline for departing the Czech Republic and issues a departure order. The foreign national is obliged to depart from the Czech Republic within the deadline. At the same time, the Ministry of Interior invalidates the visa as its validity has ended.

10. to extend the protection and assistance provided for in this article to self employed migrants insofar as such measures apply.

The licensed trade of foreigners is generally regulated by Act No. 455/1991 Coll., on Licensed Trade (Trade Licensing Act).

To extend the protection of all licensed traders irrespective of their nationality or citizenship, Ministry of Industry and Trade posted on its website a specific manual called „*The Trade Licensing Guide*“ whose aim is to introduce to both the starting and existing businesses the basic requirements set forth by Czech legislation in relation to application for trade licenses/authorization to carry out business in the Czech Republic.

This guide details what are the prerequisites of applications for trade license or a concession which must be met by a foreign natural person who is not a citizen of one of the European Union member states, or of other party states to the Agreement on the European Economic Area or of the Swiss Confederation.

The guides specifically provide information on terms of carrying out notification—only trades and concessions, what documentation is submitted by the applicant for trade license or concession to the Trade Licensing office, what forms are used for such applications as well as what is the amount of the pertinent administrative or other fees and what are the methods of their payment.

A person who does not have permanent residence in the Czech Republic may carry on a trade in the Czech Republic under the same conditions and to the same extent as a Czech person, unless the Trade Licensing Act or a specific act provides otherwise (hereinafter “doing business as a foreign natural person”). The conditions for obtaining and carrying on a trade authorisation are laid down differently for citizens of the Member States of the European Union and citizens of third countries, i.e. for countries whose citizens are not considered citizens of a Member State of the European Union.

In addition to citizens of the Member States, the following will also be considered to be citizens of a Member State of the European Union:

- A citizen of another country that is a party to the Agreement on the European Economic Area and a citizen of the Swiss Confederation,
- A family member of a citizen of the European Union, a citizen of another country that is a party to the Agreement on the European Economic Area and a citizen of the Swiss Confederation

- A family member of a person who has been granted permanent residence in the Czech Republic
- A third-country national who has been granted the legal status of a long-term resident of the Czech Republic or another European Union Member State, or a family member of such a person, if they have been granted long-term residence in the Czech Republic
- A third-country national who has been granted residence in the Czech Republic or another European Union Member State for the purpose of scientific research, studies, training or voluntary service in the European Voluntary Service, or a family member of such a person, if they have been granted long-term residence in the Czech Republic
- A third-country national who is a victim of trafficking in human beings or who has been the subject of an action to facilitate illegal immigration, who is cooperating with the competent authorities, if they have been granted residence in the Czech Republic or another European Union Member State for this purpose
- The holder of a European Union Blue Card

A natural person who has been granted international protection and their family members may carry on a trade under the same conditions as a citizen of the Czech Republic.

Detailed information is available on <https://www.mpo.cz/en/business/licensed-trades/guide-to-licensed-trades> or <https://www.rzp.cz/pruvodce-podnikanim/en/164,275.html>

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