



# Czech social and labour response to Covid 19

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## 1. Introduction

The covid-19 pandemic in the Czech Republic was originally (in summer 2020) under control, thanks to the rapid and timely response of public institutions and society as a whole. Unfortunately, this has changed dramatically during winter and in early spring 2021, Czechia was among most affected countries in the world. Hospitals were full for several months, health care costs have risen, economic crises is awaited due to several lockdowns introduced and states of emergency declared since October 2020.

Several measures have been adopted in order to provide stronger social protection to population as usually – especially in the field of labour law and social security.

## 2. Labour law protection

The consequences of the spread of the disease in Europe were already felt by Czech companies before the declaration of a state of emergency. As soon as a state of emergency was declared and the operation of most works in the Czech Republic was banned (with the exception of, for example, construction work, grocery stores and pharmacies remained open), this situation had to be resolved using applicable labour law (especially Act No. 262/2006 Coll., Labour Code).

There are several instructions for employers on how to deal with the situation. The recommendations were based on the possibilities of the valid legislation and consisted mainly in ordering leave and an agreement with the employee to work from home. According to the Czech labour law, it's not possible for the employer to order work from home to his employees, it's only possible to agree on it. In the situation, when schools are closed and children have to follow online classes, working from home is not always fully possible or effective.

Moreover, the Czech Labour Code does not recall the occurrence of a pandemic and the compulsory closure of operations. Thus, some theorists have suggested that a labor law pandemic can be likened to a natural disaster and treated as an obstacle on the part of the employer in the event of a natural disaster. An employee who thus stays at home and is unable to go to work is entitled to a wage compensation of 60% of the average monthly earnings (not 100% as requested by some who interpreted the pandemic as an obstacle of a general nature involving a wage compensation of 100% of the average monthly earnings).

In March 2020, the government of the Czech Republic created the so-called Antivirus program, under which employers affected by the declaration of an emergency wage for their employees are to be contributed. The Czech Republic is thus trying to prevent mass redundancies due to the cessation

of the economy due to the declaration of a state of emergency. Supportive programs were prolonged and changed several times, special programs e.g. for tourism or gastro industry.<sup>1</sup>

In this context, it should be noted that, despite the measures taken to promote employment, some employers have been forced to end their employment with some employees in an effort to save their business as a whole. They could do so in accordance with the Labor Code. The legal regulation of termination of employment in the Czech Republic is very protective, the employer can terminate the employment relationship only for reasons exhaustively defined by law. In connection with coronavirus, there was either an agreement to terminate the employment relationship, or employers most often terminated the employment relationship by dismissal for so-called redundancy.<sup>2</sup>

Before the pandemic, the Czech Republic was the country with lowest unemployment in the EU. Naturally, the level of unemployment grew due to the pandemic, currently it constitutes 4 %. Many women work in industries most affected by the pandemic (tourism, hospitality, services, small entrepreneurs). Also, approximately 5 % less women than men are able to execute their job duties remotely (21 % of women in comparison with 26 % of men). This means larger risk of job loss for women. All of these factors led to the fact that more women than men experienced job loss as a direct impact of the pandemic, especially women older than 44 years of age. This may increase the risk of these women facing poverty in the senior age as elderly women are already one of the most vulnerable groups of citizens. Furthermore, it is assumed that the pandemic has also deepened the differences in remuneration and it brought a significant setback on the progress in this area.

### **3. Social security protection**

In connection with the introduction of the state of emergency, the conditions for entitlement to certain benefits were changed and the allowances increased. The main changes took place in the attendance allowance, which is paid from the sickness insurance system, only to employees (not the self-employed), for a maximum of 9 calendar days (16 for parents who take care of the child themselves), in the amount of 60% of the daily wage. During the pandemic and closure of schools, this benefit was paid to all insured persons, including the self-employed, in the amount of 80% of the daily wage (with a ceiling). A similar benefit could also be used by persons working outside the employment relationship, in more flexible forms of employment.

Parents of children under the age of 13 were entitled to attendance allowance and it was also paid for the care of older children with disabilities attending school. It was also given to people who, due to the closure of some social services facilities (day hospitals, etc.), care for an elderly person with a disability who lives in the same household as them and needs care.

It should be noted, however, that action in this area has been taken relatively slowly and chaotically. Last came people working in precarious jobs, which were not thought of at all at first. There are approximately 1 050 000 self-employed persons in the Czech Republic and the year 2020 was very challenging for them. As their activities were practically stopped during the pandemic, the state adopted several measures in order to make their situation easier. They became entitled for paid care leave during the closure of schools in the sum of 15 EUR (400 CZK) per day, they became eligible for compensation bonus which should have helped with the loss of their income. Also, there has been a variety of other programmes offering financial aid. During spring and summer 2020, the state forgave them the payments to the system of social insurance. However, overall, the state support is perceived as insufficient and dissatisfactory by a large part of self-employed persons. According to

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<sup>1</sup> <https://www.mpo.cz/cz/rozcestnik/koronavirus/>

<sup>2</sup> Sec. 52 Act No. 262/2006 Sb., labour code.

research, the governmental measures affected more self-employed women, who has been facing more significant drops in income, than self-employed men. In addition, attendance payments were delayed, especially in the first weeks of the crisis, so that some families were at significant risk of poverty if they did not have economic reserves.

In addition to emergency measures, it is also possible to draw regular benefits from the social security system during the coronavirus crisis, in particular emergency immediate assistance.

Also in negotiations with the authorities, the situation was somewhat easier, persons claiming certain benefits could provide the basis for deciding on these benefits later or electronically.

### ***Protection of the elderly***

Due to the nature of the disease caused by coronavirus and its extreme danger for the elderly, the government has tried to protect the elderly with extraordinary and unprecedented general measures. In March 2020, the Government of the Czech Republic approved a crisis measure<sup>3</sup> in order to reduce the risk of transmission of COVID-19 in social services facilities. During the state of emergency, all clients of residential services (homes for people with disabilities, homes for the elderly, homes with special regimes) were forbidden to go outside the building or premises of social services facilities. Other services (day care centers, weekly hospitals, low-threshold facilities for children and young people, social activation services for families with children, social activation services for seniors and people with disabilities, social therapy workshops) were ordered to suspend the provision of such services. These restrictions were applied also in autumn 2020 and were in force until spring 2021, until all clients were vaccinated.

These restrictions were intended to reduce the potential risk of further transmission of coronavirus infection to staff or other users of these social services. However, the question remains whether such measures have been necessary and proportionate for such a long time. Clients of residential services remained completely without contact with the outside world, in many facilities they were not even allowed to receive gifts that would be brought to them by their loved ones. However, for obvious reasons, the staff of the facility could enter and exit. In addition, in the first few weeks of the emergency, these devices had little or no protective equipment.

Persons over the age of 70 who live at home were only advised by a government resolution not to leave their homes for the duration of the emergency. Later, time was set aside for seniors in the morning (ie after complete and thorough disinfection of the premises) for shopping in supermarkets.<sup>4</sup> This happened only in spring 2020.

### ***Violence against women***

During the pandemic, violence against women became one of the most serious and crucial topics, which, unfortunately, still remains neglected. The growth of domestic violence (DV) was registered. Some studies estimate that up to 40 % more victims looked up the help of specialized organizations. The Czech Academy of Sciences concluded in its research that:

- During the pandemic, the DV attacks became more aggressive and extreme. The impacts of DV may be even more serious during current uncertain social situation.
- During the pandemic, the latency of DV is probably even higher than before.

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<sup>3</sup> Government resolution No. 239/2020 Coll.

<sup>4</sup> Government resolution No. 249/2020 Coll.

- The entities involved in resolution of DV (Police, Social and Legal Protection of Children Authorities, NGOs) face overloading and the limits of their capacities.
- Overall, strong taboo in respect of the sexual violence in intimate relationships still persists.

After the agreement of the whole Government, the Ministry of Health issued an emergency measure, according to which it was forbidden to visit patients in hospitals, including fathers who wanted to accompany their wife/partner during delivery of their child. This measure, which was strictly applied by all hospitals, raised a debate on reproductive rights. It is estimated that such conditions in hospitals forced some women to rather give birth at home.

The main argument of the Ministry was preserving health of caring personnel (physicians and nurses). Not only NGOs, but also the governmental working group in the field of obstetrics have reacted and asked the Ministry to rethink this measure. Also the Human Rights Commissioner asked the minister to evaluate, if a proportionality principle has been respected in this case.

Interpretation of human rights NGOs and watchdogs is it was not. The reaction of lawyers working in the field has been really strong, so that the ministry changed its mind and abolished this measure.

#### **4. Closure of borders and restrictions on the free movement of persons**

For the sake of completeness, it is worth noting that in connection with the declaration of a state of emergency in March 2020, there was also a step that the Czech Republic has not remembered since its accession to the EU, ie since 2004 (in many respects even before). The step taken by the Czech government was to close the borders of the Czech Republic. Virtually all flights and regular interstate transport lines were abolished, and border controls were introduced. Outside the country, only cross-border workers (those who worked within a distance of 100 km from the border) could, even under very strict conditions.

According to measures adopted, cross-border workers had to stay at least 21 days abroad, if they decided to go (meaning, they had to find accommodation). This period was shortened after few weeks for 14 days. These restrictions did not apply to health care workers, who did not even have to go through quarantine upon their return, they proved themselves with a negative test.

#### **5. Conclusion**

The pandemic posed an unexpected and great challenge for society as a whole, and its consequences will be felt by the whole world for a long time to come.

The Czech Republic has originally dealt with the pandemic very well, the health system has worked, and preventive measures have helped to prevent the virus from spreading uncontrollably. This was unfortunately not the case in since autumn 2020, when the pandemic hit Czechia very hardly. Vaccination together with testing and possibly not too restrictive preventive measures seem to be the only way out.

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#### **Most relevant official websites:**

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<https://covid.gov.cz/>

<https://www.mzcr.cz/>

<https://www.mpo.cz/cz/rozcestnik/koronavirus/>

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