

You will need your **personal records for pension insurance** when starting a new job. It has information about you pension and/or health insurance pay and the tax basis for Social Security. Your employer must provide this form to you within 8 days of your request, even after you end the employment.

2

Does your employer refuse to issue the Confirmation of employment for you?

You can contact the Labour Inspectorate, which can check the employer or fine the employer. Nevertheless, the Inspectorate does not have other means to make the employer issue this document. Your other option is to sue the employer to issue a Confirmation of employment. You must file a legal action with the court whose jurisdiction is in the area where your employer is **registered**.

3

Does your employer refuse to give you your Personal records for pension insurance form?

In this happens, you can seek help from the District Social Security Administration (Okresní správa sociálního zabezpečení, OSSZ) of the district where your employer is based. The OSSZ can demand the Personal records for pension insurance from the employer and possibly fine the employer. If OSSZ fails to get the form from the employer, it can reconstruct it and issue a replacement. You will be asked to submit documents which prove the information given in the Personal records for pension insurance form (employment agreement, proof of termination of the employment, payroll receipts, confirmation of your income which the employer had provided for other purposes – for example for the welfare benefits from State Social Support etc.)

The OSSZ can also help in case you did not get the Confirmation about **the termination of employment**, but you will have to request it **in writing**.

4

Do you suspect wrongful dismissal; did you get Notice in circumstances when the employer is not allowed to do so? Did you receive nothing in writing? What else can you do?

- You can send a registered letter to your employer asking if and when your employment was terminated.
- You can contact the regional Labour Inspectorate (Inspektorát práce) and ask for an inspection of your employer. You must have at least a written proof that the employment was entered into (agreement, contract).
- You can file legal action in court. You can sue for nullity of the termination Notice, invalid immediate termination, termination during the trial period or termination by mutual agreement **within 2 months** after the (attempted) termination. The court for the district where your employer is registered has jurisdiction.

5

What can you do if your employer did not pay your salary?

- If you were employed by a **job agency** which did not fulfill its obligations, you can also contact the Ministry of Labour and Social Affairs, department for job agency permissions, which can initiate an inspection.

(Note: you can use all the possibilities above, but keep in mind that you can only sue your former employer within two months from the dismissal. Therefore you should take legal steps first.)

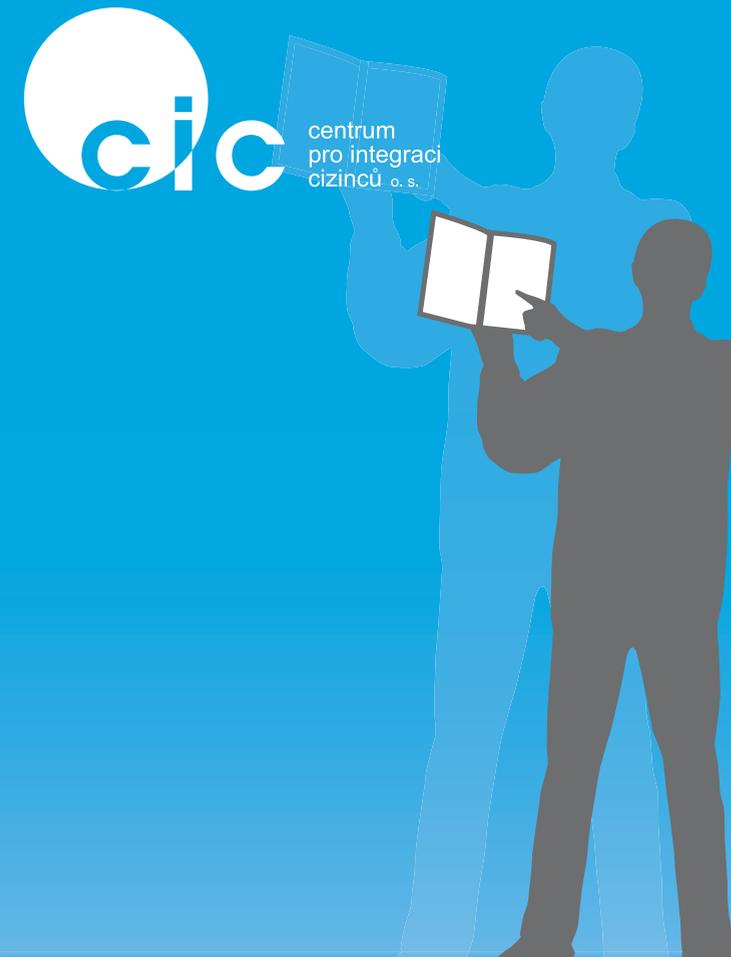
- If your employer did not pay your salary in full within 15 days after its due date, you can terminate the employment immediately. You are entitled to get severance pay equal to three months of your average monthly salary.
- Assuming the salary was not paid due to insolvency, further steps depend on which phase of insolvency proceedings your employer in. In case the insolvency proceedings against your employer have not been initiated yet, you can contact the Labour Inspectorate for an inspection of your employer. If the employer refuses to pay despite threats of being fined, your only recourse is to file legal action in court.
- If the insolvency proceedings have been initiated, find out what stage they are in. You will find this information in the Labour Office of the district where your employer is registered. The Labour Office can also pay you part of your unpaid salary or severance pay. You have to apply in writing using the forms Application for payment of unpaid salary and Proof of an employee's unpaid salary ("Žádost o uspokojení mzdových nároků" and "Doložení mzdových nároků zaměstnance"). You can ask for the unpaid salary only within a certain time limit – contact the Labour Office as soon as possible!

6

Do you suspect your employer did not properly pay your social and health insurance?

- ▶ First ask your employer for an explanation and then contact your health insurance company and Social Security office in the district where your employer is registered. Ask for a written statement of paid premiums. If you find any irregularities, submit evidence of employment for the period in question.

- ▶ For further information visit: www.cicpraha.org/infoservis
portal.mpsv.cz/sz/obcane/insolvency, www.mpsv.cz, www.justice.cz,
<http://cizinci.poradna-prava.cz/pravni-analyzy.html>
- ▶ CENTRE FOR INTEGRATION OF FOREIGNERS
Kubelíkova 55, 130 00 Praha 3
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TERMINATION OF EMPLOYMENT AND WHAT TO WATCH OUT FOR

2012



MINISTERSTVO VNITRA
ČESKÉ REPUBLIKY

Are you a foreigner with an employment contract? If so, you are protected by law. Under certain conditions this protection applies to you even if you work under other arrangements: agreement to perform work (“dohoda o provedení práce”) or an agreement on work activities (“dohoda o pracovní činnosti”).

1

Termination of the employment

- Your employment can be terminated only by:
 - mutual agreement of both parties,
 - notice,
 - immediate termination,
 - termination during trial period,
 - when a finite-term employment contract expires.

The employment of a **foreigner** can also end:

- the day your legal stay in the territory of the Czech Republic expires due to cancellation of your residence permit,
- after expiration of your work permit or green card,
- the day expulsion from the Czech Republic comes into effect.

1. MUTUAL AGREEMENT (dohoda)

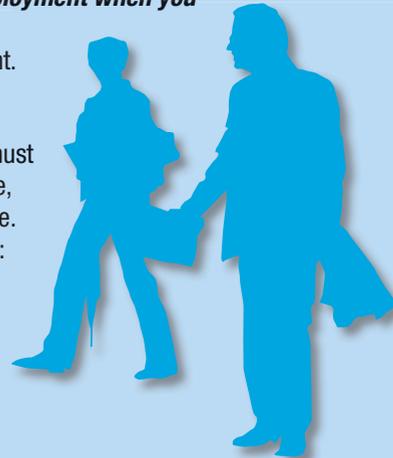
- The employer and the employee can come to an agreement on ending the employment on a specified day.
- The agreement on ending employment must be **in writing**, otherwise it is not valid. You can insist that the reasons for ending employment are included in the written agreement. **(Note: if the written agreement says employment ended because of organizational reasons, you are entitled to severance pay.)**
- You must obtain** an original of the agreement on ending employment. **(Note: You will need a written document about the termination of your employment when you register at the Labour Office – Úřad práce.)**
- The employment ends the day specified in the written agreement.

2. NOTICE (výpověď)

Notice can be given by the employer or an employee, **in writing** and must be delivered to the other party, otherwise it is not valid. As an employee, you (the employee) are not required to give a reason when giving notice.

On the other hand, *employers* can only give Notice for specific reasons:

- Organizational reasons (changes):**
 - the employer (or its division/section) is going out of business,
 - the employer (or its division/section) is relocating,
 - you as an employee become redundant.



In connection with changes of your health:

- If, by the statement of the occupational physician, you are not allowed to perform your work due to a work accident, an occupational disease or due to an occupational hazard, or because, according to the medical assessment, you have lost the capability to carry on existing work, or
- you do not meet requirements of the employer for this work. If the employer is dissatisfied with your work, he must give you a written warning and provide an adequate time for improvement.
- or if during temporary sick leave you grossly violate your obligation to follow a medical regiment, for example stay at home and leave only for an amount of time allowed by your doctor. (Your employer monitors the first 21 days of your illness; starting in January, 2014, it will be the first 14 days.)

If Notice has been given, **employment will end at the conclusion of the notice period**. The notice period lasts **at least 2 months** and it starts on the *first day of the month following* when the notice was delivered to the other party.

Even if the reasons for your dismissal are organizational, your employer may:

- suggest that you sign an agreement ending the employment by mutual consent. Accept such an agreement only if it is convenient and advantageous for you. *(For example, if you did not work long enough to be eligible for unemployment benefits, try to negotiate with the employer for later termination. You should consider, what is more important for you – to be eligible for unemployment benefits or getting severance pay. You can also request a good reference.)*
- want to give you notice for other reasons, for example for misconduct. This is possible only if you were given written warning about the possibility of getting notice. **(Note: With the exception of organizational reasons, the employer cannot give you notice in certain situations, e.g. if you are on sick leave, on maternity leave or pregnant.)**

3. IMMEDIATE TERMINATION OF THE EMPLOYMENT (Okamžité zrušení pracovního poměru)

Both you and your employer can terminate the employment immediately. It has to be in writing and clear reasons for dismissal/quitting have to be given.

The employer can immediately terminate the employment if you:

- were convicted of a willful offense and sentenced to imprisonment longer than one year, or you were convicted of an offense committed during the course of work and sentenced to imprisonment for at least 6 months,
- you are guilty of serious misconduct.

You as an employee can terminate the employment only if:

- your employer did not pay your salary within 15 days after the due date. **(Note: Do not confuse the due date (den splatnosti) and the pay day (den výplaty).** The due date is the last day of the month following the month you are being paid for), or
- according, by an assessment of an occupational physician, you can no longer perform your work duties without seriously endangering your health and your employer has not offered you a suitable alternative position.

4. THE TERMINATION OF THE EMPLOYMENT DURING TRIAL PERIOD (Zrušení pracovního poměru ve zkušební lhůtě)

Both you and your employer can propose to end employment without giving a reason. Notice must be given in writing. The employer cannot end your employment while you are on sick leave.

Note: The reason why your employment ended affects your unemployment benefits (podpora v nezaměstnanosti). If you give Notice on your own without a serious reason or if your employment ends by mutual agreement (you sign an agreement and no reasons are stated by the employer) you will receive lower unemployment benefits (45% of your average monthly earnings).

Severance pay (Odstupné)

You are entitled to get severance pay:

- if you were given notice because of organizational reasons. **(Note: You are entitled to get severance pay even if your employment ends by mutual agreement for organizational reasons. The organizational reasons, though, must be stated in the written agreement!)**
- if you are immediately terminating employment (quitting)** because your employer has not paid your salary 15 days after the due date.

The amount of severance pay is at least

- one month of your average monthly salary if you have been employed for up to 1 year
- two average monthly salaries if you have been employed for between 1 and 2 years
- three average monthly salaries if you have been employed for more than 2 years.

The employer should pay your severance after your employment ends on the next pay date. *(Comment: if you have a finite-term employment contract and you get Notice during its term, you are entitled to the same severance as above.)*

Note: if you are eligible for unemployment benefits, the Labour Office will not start paying you benefits until after the period of time for which you are entitled to severance (The Labour office does not check whether or not you actually receive the severance pay.)

The Employer's obligations after termination of employment

Your employer must give you:

- An original written agreement on terminating the employment or an original of the Notice
- Confirmation of employment (“potvrzení o zaměstnání”, formerly called “zápočtový list”)
- the Personal Records for Pension Insurance form (“Evidenční list důchodového pojištění”)

You will need the confirmation of employment when starting a new job with different employer or when registering with the Labour Office. Keep one copy of the Confirmation for yourself as a proof of your career. This document must contain: information whether your work was based on employment agreement or on agreement on work activities, the duration of the work, your qualifications, the type of work you performed, the period of time you worked, information about deductions or garnishments from your wages, information if the reason for termination was serious misconduct, etc. If you need information for the Labour Office to assess whether you are entitled to unemployment benefits, ask your employer for a separate confirmation.