

Extract from Act No. 281/2023 Coll., Act amending Act No. 262/2006 Coll., the Labour Code, as amended, and certain other acts.

**PART FIVE
OCCUPATIONAL HEALTH AND SAFETY**

**TITLE I
PREVENTION OF RISKS TO LIFE AND HEALTH AT WORK**

§ 101

(1) Employer shall ensure occupational safety and health of employees at work, considering the risks to their life and health that may be involved in the performance of their work (hereinafter referred to as “risks”).

(2) Ensuring occupational health and safety at work assigned to the employer under paragraph 1 or by special legislation shall be an integral and equal part of the responsibilities of senior employees at all levels of management within the scope of the posts they hold.

(3) Where employees of two or more employers perform tasks at the same workplace, the employers shall inform each other in writing on risks and measures taken to protect against their effects relevant to the performance of work and at the workplace and to cooperate in ensuring occupational health and safety of all employees at the workplace. By written agreement of employers concerned, the employer designated by that agreement shall coordinate the implementation of measures for the employees’ occupational health and safety and the procedures for ensuring them.

(4) Each of the employers referred to in paragraph 3 shall:

a) ensure that the activities and the work of their employees are organised, coordinated and performed in such a way that the employees of the other employers are also protected,

b) to inform sufficiently and without undue delay the labour union and employees’ representatives for occupational health and safety, and it does not exist, directly their employees on risks and measures taken received from other employers.

(5) The employer’s duty to ensure occupational health and safety applies to all individuals present at their workplace with their knowledge.

(6) The employer shall bear the costs of ensuring occupational health and safety; these costs may not be passed on directly or indirectly to the employee.

§ 102

(1) The employer shall create a safe and non-health-threatening work environment and conditions by suitably organising occupational health and safety measures and measures for risk prevention.

(2) Risk prevention means all measures arising from legal and other regulations to ensure occupational health and safety and from employer’s measures aimed at preventing risks, eliminating them or minimising the effects of unavoidable risks.

(3) Employer shall continuously search for dangerous factors and processes of the work environment and conditions to identify their causes and sources. Based on those findings, search and assess risks, take measures to eliminate them, and implement such measures so that, as a result of more favourable working conditions and levels of decisive factors, work previously classified as hazardous under special

legislation can be downgraded. The employer shall also regularly check the level of occupational health and safety, in particular the state of production and workplace means and equipment and the level of risk factors in the working conditions, and shall comply with the methods and manners of identifying and assessing risk factors by special legal regulation.

(4) If potential risks can not be eliminated, the employer shall assess and take measures to mitigate their effects to minimise the threat to occupational health and safety. Measures taken are an integral and equal part of all of the employer's activities on all levels of management. The employer shall keep a record of the identification and assessment of risks and measures taken following the first sentence.

(5) In adopting and implementing technical, organisational or other measures to prevent risks, the employer shall act following the general principles of prevention, which are:

- a) risk mitigation,
- b) eliminating risks at source,
- c) adapting working conditions to the needs of employees to mitigate the adverse effects of work on their health,
- d) replacing physically strenuous work with new technological and working practices,
- e) replacing hazardous technologies, production and working equipment, raw materials and materials with less hazardous ones, following the development of the latest scientific and technological knowledge,
- f) limiting the number of employees exposed to risk factors of working conditions exceeding the maximum hygiene limit and other risks to the lowest number necessary to ensure operation,
- g) planning when implementing risk prevention using technology, work organisation, working conditions, social relations and the influence of working environment,
- h) giving priority to the application of collective protection measures over individual risk measures,
- i) the implementation of measures to limit the escape of pollutants from machinery and equipment,
- j) giving appropriate instructions to ensure occupational health and safety.

(6) Employer shall take measures to deal with emergencies such as accidents, fires or floods, other serious hazards and evacuation of employees, including instructions to stop work and to leave the workplace and go to safety immediately; they shall cooperate with the occupational health service provider in providing first aid. The employer shall ensure and designate, according to the type of activity and size of the workplace, the necessary number of employees to organise the provision of first aid to ensure that the medical rescue service, the Fire Brigade of the Czech Republic and the Police of the Czech Republic and the organisation of the evacuation of employees. In cooperation with the occupational health service provider, the employer shall ensure that they are trained and equipped to the extent appropriate to the risks present in the workplace.

(7) The employer shall adapt the measures to changing circumstances, check their effectiveness and compliance and improve the work environment and working conditions.

TITLE II

EMPLOYER RESPONSIBILITIES, EMPLOYEE RIGHTS AND RESPONSIBILITIES

§ 103

(1) The employer shall:

- a) not to allow the employee to perform prohibited work or work whose difficulty is not commensurate to their abilities or medical fitness,

- b) to inform the employee of the category in which the work they perform is classified; a separate legal regulation governs the work categorisation,
- c) to ensure, in cases provided for by separate legal regulation, work is carried out only by those employees who have a valid medical certificate, who have undergone special vaccination or have proof of resistance to disease,
- d) to inform employees which occupational health service provider will provide them with occupational health services and which types of vaccinations, occupational health checks and examinations related to the performance of their work they are required to undergo; to enable employees to undergo such vaccinations, checks and examinations to the extent provided by special legal regulations or by a decision of a competent public health authority,
- e) to compensate the employee who undergoes an occupational health check, examination or vaccination following (d) for any loss of earnings, up to the amount of average earnings or, where applicable, the difference between the wage or salary compensation under Section § 192 or sick pay and average earnings,
- f) to provide employees, in particular employees in fixed-term employment, employees of the employment agency temporarily assigned to work for another employer, and juvenile employees, sufficient and adequate information and instructions on occupational health and safety according to the needs of the work performed, following this Act and special legal regulations, in particular in the form of familiarisation with risks, the results of risk assessment and the measures to protect against the effects of these risks relevant to their work and workplace,
- g) to ensure that employees of another employer performing work at its workplace receive appropriate and adequate information and instructions on occupational health and safety and on the measures taken, in particular fire-fighting, first aid and evacuation of individuals in the event of emergencies before the work commences,
- h) if the work involves exposure to risk factors harmful to the foetus in the mother's body, the female employees shall be informed. Pregnant employees, employees who breastfeed and employees-mothers up to the end of the ninth month after childbirth shall be familiarised with risks and their potential effects on pregnancy, breastfeeding or their health and shall take necessary measures, including measures to reduce the risk of mental and physical fatigue and other types of mental and physical strain connected to the work performed, for as long as necessary to protect their safety or the health of their child,
- i) to allow the employees to consult the records kept on them in connection with the provision of occupational health and safety,
- j) to ensure the employees the provision of first aid
- k) not to use a method of remuneration for work which exposes employees to an increased risk of injury to health and which, if used to increase performance, would result in a risk to the safety and health of employees,
- l) to ensure compliance with the specific legislation that has laid down the ban on smoking in workplaces.

Information and instructions must be provided whenever an employee is hired, transferred, or reassigned, their working conditions or workplace changes, or the work equipment, technology, or work practices are introduced or changed. The employer shall keep records of the information and instructions.

(2) The employer shall provide employees with training on legal and other regulations to ensure occupational health and safety, which complement their professional prerequisites and requirements for the performance of their work, which are relevant to the work they perform and relate to the risks with which the employees may come into contact at the workplaces where the work is performed, and to consistently require and monitor compliance with them. The employer shall provide training referred to in the first sentence when the employee commences work and

- a) upon a change of

1. assignment
 2. the type of work
- b) upon the introduction of new technology or a change in production and working equipment, or a change in technological and/or working procedures,
- c) in cases which have or may have a significant effect on occupational health and safety.

(3) The employer shall set the content and frequency of training on legal and other occupational health and safety regulations, the method of verifying the employees' knowledge and the record-keeping on the training carried out. Where the nature and severity of the risk so requires, the training referred to in the first sentence shall be repeated regularly; in the cases referred to in paragraph 2(c), the training shall be carried out without undue delay.

(4) The employer shall provide pregnant or breastfeeding employees and employees-mothers up to the ninth month after childbirth with areas for rest at the workplace.

(5) The employer shall provide, at its own expense, technical and organisational measures for the employee who is a person with a disability, in particular, the necessary adaptation of working conditions, the adaptation of the workstation, the establishment of **protected positions, the training or apprenticeship** of such employees and the improvement of their qualification in the performance of their regular employment.

§ 104

Personal protective work equipment, work clothing and footwear, washing, cleaning and disinfecting agents and protective drinks

(1) If the risk cannot be eliminated or sufficiently reduced using collective protection or work organisation measures, the employer shall provide employees with personal protective work equipment. Personal protective work equipment is protective equipment that must protect the employee against risks, not endanger their health, hinder them in their work performance, and comply with the requirements laid down by special legal regulations.

(2) In the environment in which clothing or footwear is subject to extraordinary wear and tear or contamination at work or performs a protective function, the employee shall also be entitled to personal protective equipment from the employer.

(3) The employer shall provide employees with washing, cleaning and disinfecting agents based on the extent of contamination of skin and clothing; in workplaces with unsatisfactory microclimatic conditions, to the extent and under the conditions laid down by the implementing legislation, also protective drinks.

(4) The employer shall maintain personal protective work equipment in a usable condition and monitor its use.

(5) Personal protective work equipment, washing, cleaning and disinfecting agents and protective drinks are provided to employees free of charge by the employer according to a list drawn up based on a risk assessment and the specific working conditions. The employer may not substitute the provision of personal protective work equipment for financial compensation.

(6) By regulation, the government shall establish more detailed conditions for providing personal protective work equipment, washing, cleaning and disinfecting agents and protective drinks.

§ 105

Employer's obligations in the event of accidents and diseases at work

(1) The employer at whose workplace the accident occurred shall clarify the causes and circumstances of the accident in the presence of the employee, if the employee's health permits, witnesses and in the presence of the labour union and the occupational health and safety representative and not to change the situation at the place of the accident without serious reasons until the causes and circumstances of the accidents have been clarified. The employer shall, following the first sentence, notify the employer of the injured employee without undue delay of an accident at the workplace of an employee of another employer, allow the employee to participate in the clarification of the causes and circumstances of the accident at work and inform the employee of the results of such clarification.

(2) The employer shall keep a record in the accident book of all accidents, even if they have not caused incapacity for work or have caused incapacity for work not exceeding 3 calendar days.

(3) The employer shall keep records and documentation of all work-related accidents which resulted in:

- a) an injury to an employee with the incapacity for work exceeding 3 calendar days or
- b) the death of an employee.

The employer shall give one copy of the accident record to the injured employee and, in the case of a fatal work injury, to the employee's family members.

(4) The employer shall report the work accident and send a record of the accident to the designated authorities and institutions.

(5) The employer shall take measures against the recurrence of accidents at work.

(6) The employer shall keep a record of employees who have been recognised as having a work-related disease arising from their workplaces and shall apply such measures as are necessary to eliminate or minimise the risk factors which give rise to the risk of work-related disease or illness.

(7) The government shall establish by regulation:

- a) the manner of keeping records of accidents in the accident book,
- b) the reporting of accidents,
- c) the making and sending of the accident record and the accident record – reporting of change,
- d) the range of authorities and institutions to which the accident report and the accident report – reporting of changes shall be reported and sent,
- e) what constitutes a fatal work accident for statistical purposes,
- f) the model accident record and the model accident record – reporting changes.

§ 106

Rights and obligations of the employee

(1) The employee shall have the right to occupational health and safety at work, to information about the risks of their work and the measures to protect them against their effects; the information shall be comprehensible to the employee.

(2) The employee shall have the right to refuse to perform work they reasonably believe to be an immediate and serious threat to their life or health or the life or health of other individuals; such refusal shall not be regarded as a failure to fulfil the employee's obligations.

(3) The employee shall have the right and obligation to participate in the creation of a safe and health-safe working environment, in particular in applying the measures laid down and adopted by the employer and by participating in the resolution of occupational health and safety issues.

(4) Every employee shall take care, to the best of their ability, for their safety, their health and the health and safety of individuals directly affected by the employee's actions or omissions at work. Knowledge of the essential obligations arising from the employer's legal and other regulations and requirements to ensure occupational health and safety is an integral and permanent part of the employee's qualifications. The employee shall:

- a) participate in training provided by the employer focused on occupational health and safety, including verifying their knowledge.
- b) to undergo occupational health checks, examinations or vaccinations laid back by special legal regulations,
- c) to comply with legal and other regulations and employer's instructions on occupational health and safety, with which the employee was duly acquainted, and to follow the employer's principles of safe workplace behaviour and instructions,
- d) to observe the established work procedures, use the established work equipment, means of transport, personal protective work equipment and protective devices and not to arbitrarily change or disable them,
- e) not to consume alcoholic beverages or abuse other addictive substances at the employer's workplaces and during working hours and outside these workplaces, not to enter the employer's workplace under their influence, and not to smoke at workplaces and other premises where the non-smokers are also exposed to the effects of smoking. The prohibition of consuming alcoholic beverages shall not apply to employees working in adverse microclimatic conditions if they consume beer with a reduced alcohol content and to employees whose consumption of such beverages is part of, or normally associated with, the performance of their work tasks,
- f) to report to their superior manager the deficiencies and defects at the workplace that threaten or could directly and seriously endanger the safety or health of employees at work, in particular an imminent occurrence of an emergency or deficiency in organisational measures, defects or malfunctions of technical equipment and protective system designed to prevent them,
- g) to participate, with regard to the type of work they perform, to the best of their ability in the elimination of deficiencies detected during inspections by the authorities responsible for conducting inspections under special legislation,
- h) to immediately report to the superior manager a work-related accident, if their health permits, and a work-related accident to another employee, or an accident to another individual, which they have witnessed, and to cooperate in the investigation of its causes,
- i) to submit, on the instruction of an authorised manager designated in writing by the employer, to a test to determine whether they are under the influence of alcohol or other addictive substances.

TITLE III COMMON PROVISIONS

§ 107

Further requirements for occupational health and safety in employment relationships, as well as ensuring health and safety in activities or services outside employment relationships, are laid down in the Act on ensuring other conditions of occupational health and safety.

§ 108

Participation of employees in the resolution of occupational health and safety issues

(1) Employees shall not be deprived of the right to participate in resolving occupational health and safety issues through their labour union and occupational health and safety representative.

(2) The employer shall provide the labour union and the occupational health and safety representative or the employees directly with

- a) the participation in negotiations related to occupational health and safety or to provide them with information about such negotiations
- b) listen to their information, comments and suggestions for measures on occupational health and safety, in particular suggestions for the elimination of risks or the reduction of exposure to risks which cannot be eliminated,
- c) discuss
 1. substantial measures relating to occupational health and safety,
 2. the assessment of risks, the adoption and implementation of measures to reduce their effects, the performance of work in controlled zones and the categorisation of works following special legislation,
 3. the organisation of training on legal and other regulations to ensure occupational health and safety,
 4. the designation of a professionally qualified individual to prevent risks following the Act on ensuring other occupational health and safety conditions.

(3) The employer shall inform the labour union and the occupational health and safety representative or the employees directly about

- a) employees designated to organise the provision of first aid, ensure the call for medical assistance, fire brigade and the Police of the Czech Republic, and organise the employee's evacuation,
- b) selection and provision of occupational health and safety services,
- c) designation of a professionally qualified individual to prevent risks according to the Act on ensuring other conditions of occupational health and safety,
- d) every other matter that could substantially affect occupational health and safety.

(4) The labour union and the occupational health and safety representative and/or the employees shall cooperate with the employer and with professionally qualified individuals for risk prevention following the Act on ensuring other conditions of occupational health and safety so that the employer can ensure safe and health-safe working conditions and fulfil all the obligations laid down by special legal regulations and by the measures of the authorities competent to exercise control following special legal regulations.

(5) The employer shall organise at least once a year an occupational health and safety inspection in all its workplaces and facilities upon an agreement with the labour union and an agreement with the employee occupational health and safety representative to remedy the identified deficiencies.

(6) The employer shall provide the labour union and the occupational health and safety representatives with training to enable them to perform their duties properly and shall make available to them the legal and other regulations on occupational health and safety and documents on:

- a) the identification and assessment of risks, measures to eliminate hazards, and to limit their effect on employees and the appropriate organisation of occupational health and safety,
- b) the recording and reporting of work accidents and recognised occupational diseases,
- c) to exercise control and measures taken by the authorities responsible for controlling occupational health and safety following special legal regulations.

(7) The employer shall allow the labour union and occupational health and safety representatives to present their comments during the inspection by the authorities responsible for inspection under special legislation.