

Overview of national measures regarding employment and social security of displaced persons coming from Ukraine

Country Fiche – Czechia
August 2022

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1.0 Legal and institutional framework

1.1 Legal framework

1.1.1 List of the legal framework

- I. Legislation implementing the Temporary Protection Directive (TPD or the Directive)¹ and Council Implementing Decision (EU) 2022/382²

[Act No. 221/2003 Sb.](#) on temporary protection of foreigners (*Zákon o dočasné ochraně cizinců*), adopted on 31 July 2003, effective as of 1 January 2004.

[Act No. 65/2022 Sb.](#) on certain measures relating to the armed conflict within the territory of Ukraine caused by an invasion of the army of the Russian Federation (*Zákon o některých opatřeních v souvislosti s ozbrojeným konfliktem na území Ukrajiny vyvolaným invazí vojsk Ruské federace*), approved within an accelerated procedure in March 2022, effective as of 21 March 2022, and in place for a limited term until 31 March 2023 (as amended by the Act No. 198/2022 Sb. effective as of 30 June 2022). No discussions have been started regarding possible further developments after this date, but it appears possible that some changes may be implemented even during the one-year term.

- II. Legislation having an impact on the (access to) (self-)employment and social security/welfare for the displaced persons coming from Ukraine

[Act No. 66/2022 Sb.](#) on measures in the area of employment and social security relating to the armed conflict within the territory of Ukraine caused by an invasion of the army of the Russian Federation (*Zákon o opatřeních v oblasti zaměstnanosti a oblasti sociálního zabezpečení v souvislosti s ozbrojeným konfliktem na území Ukrajiny vyvolaným invazí vojsk Ruské federace*), which provides for instance for rules on access to labour market. Approved within an accelerated procedure in March 2022, effective as of 21 March 2022, and in place for a limited term until 31 March 2023 (as amended by the Act No. 198/2022 Sb. effective as of 30 June 2022). No discussions have been started regarding possible further developments after this date, but it appears possible that some changes may be implemented even during the one-year term.

[Act No. 67/2022 Sb.](#) on measures in the area of education relating to the armed conflict within the territory of Ukraine caused by an invasion of the army of the Russian Federation (*Zákon o opatřeních v oblasti školství v souvislosti s ozbrojeným konfliktem na území Ukrajiny vyvolaným invazí vojsk Ruské federace*), which regulates how individuals can document their education. Approved within an accelerated procedure in March 2022, effective as of 21 March 2022, and in place for a limited term until 31 March 2023 (as amended by the [Act No. 199/2022 Sb.](#) effective as of 30 June 2022). No discussions have been started regarding possible further developments after this date, but it appears possible that some changes may be implemented even during the one-year term.

¹ Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, OJ L 212, 7 August 2001, p. 12-23, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32001L0055>.

² Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection, OJ L 71, 4 March 2022, p. 1-6, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32022D0382>.

[Act No. 198/2009 Sb.](#), Anti-Discrimination Act (*Antidiskriminační zákon*), which prohibits any discrimination on the basis of nationality. This act was adopted on 29 June 2009 and is effective as of 1 September 2009.

[Act No. 262/2006 Sb.](#), Labour Code (*Zákoník práce*), which defines the principle of equal treatment concerning all third country nationals lawfully residing and working in the Czech Republic, and the principle of equal pay for equal work / work of equal value. This act was adopted on 7 June 2006 and is effective as of 1 January 2007.

[Act No. 435/2004 Sb.](#), Employment Act (*Zákon o zaměstnanosti*), which provides rules on the Labour Offices, including the fact that all job seekers can use their support. It was adopted on 27 July 2004 and is effective as of 1 October 2004.

[Act No. 48/1997 Sb.](#), the Health Insurance Act (*Zákon o veřejném zdravotním pojištění*), adopted on 28 March 1997 and effective as of 1 April 1997.

[Act No. 187/2006 Sb.](#), the Sickness Insurance Act (*Zákon o nemocenském pojištění*), adopted on 2 May 2006 and effective as of 1 January 2009.

[Act No. 155/1995 Sb.](#), the Pension Insurance Act (*Zákon o důchodovém pojištění*), adopted on 4 August 1995 and effective as of 1 January 1996.

1.1.2 Beneficiaries (persons covered by temporary protection)

Type of beneficiary	National regime of temporary protection for displaced persons coming from Ukraine
Ukrainian nationals <ul style="list-style-type: none"> ▶ Residing in Ukraine ▶ displaced from 24 February 2022 	Yes
Family members <ul style="list-style-type: none"> ▶ of a Ukrainian national present or residing in Ukraine before 24 February 2022 and displaced from Ukraine on or after 24 February 2022 ▶ of third-country nationals and stateless persons, who benefited from international protection or equivalent national protection in Ukraine before 24 February 2022 and were displaced from Ukraine on or after 24 February 2022 	Yes Under Section 3(1) of the Act No. 65/2022 Sb., the protection applies to all individuals who are covered by the Council Decision. No further regulation, such as definition of a family member, is provided.
Third-country nationals and stateless persons beneficiaries of international or equivalent	Yes

Type of beneficiary	National regime of temporary protection for displaced persons coming from Ukraine
national protection in Ukraine until 24 February 2022	
<p>Stateless persons and nationals of third countries, legally residing in Ukraine before 24 February 2022 on the basis of a valid permanent resident permit and unable to return in safe and durable conditions to their country or region of origin</p>	<p>Yes</p> <p>The protection covers all foreigners who can prove that</p> <ul style="list-style-type: none"> ▶ as of 24 February 2022, they held a valid permanent residence permit for the territory of Ukraine; and ▶ their travel to the country of their citizenship (or, for stateless persons, to the last country of their residence before they entered to Ukraine) is not possible due to a danger of a real threat. <p>The term “danger of a real threat” is defined in Section 179(2) of the Act No. 326/1999 Sb., Act on the residence of foreigners within the territory of the Czech Republic, as any return to a home country that would be in breach of the Art. 3 of the European Convention on Human Rights.</p>
<p>Other persons who are displaced for the same reasons and from the same country of region of origin (Article 7(1) of TPD), including</p> <ul style="list-style-type: none"> ▶ stateless persons and ▶ nationals of third countries other than Ukraine, <p>who are residing legally in Ukraine and who are unable to return in safe and durable conditions to their country or region of origin (Article 2(3) Council Decision).</p>	No
Any additional category of beneficiaries (i.e. persons who arrived from UA before 24 February 2022)	No

1.2 Institutional framework

- a) National competent authority(ies) providing assistance to the persons enjoying temporary (or adequate) protection coming from Ukraine.

Scope of work	Name of the authority (in EN)	Name of the authority (in national language)	Hyperlink
General (including status change in question 2)	The Labour Office	Úřad práce	Uradprace.cz
	The Ministry of the Interior of the Czech Republic	Ministerstvo vnitra České republiky	mvcr.cz
Employment rights	The Labour Office	Úřad práce	Uradprace.cz
	The Financial Administration of the Czech Republic	Finanční správa České republiky	Financnisprava.cz
Social welfare and social security rights	The Labour Office	Úřad práce	Uradprace.cz
	The Czech Social Security Administration	Česká správa sociálního zabezpečení	Cssz.cz

- b) Existence of a mechanism in place to coordinate the work of these national authorities with respect to persons enjoying temporary (or adequate) protection coming from Ukraine.

On regional level, so-called regional assistance centres and Platforms for integration of foreigners and for monitoring of the situation of foreigners in regions have been established to (i) speed up and simplify the registration of displaced persons coming from Ukraine; and (ii) coordinate the exchange of information and ensure cooperation on the level of each of the regions (the country consists of 14 regions including the capital of Prague). No coordination with respect to employment and social welfare and social security topics has been observed.

2.0 Possibility of changing the status

- a) Difference between temporary protection status and other forms of adequate protection³ under national law, in respect of third country nationals and stateless persons coming from Ukraine.

The temporary protection has the following specifics:

³ 'Adequate protection' under national law is referred to in Article 2(2) of the Council Decision as a possible alternative that may be offered by Member States to temporary protection and therefore does not have to entail benefits identical to those attached to temporary protection as provided for in Directive 2001/55/EC. Nevertheless, when implementing the Council Decision, Member States must respect the Charter of fundamental rights of the European Union and the spirit of Directive 2001/55/EC. The respect for human dignity and therefore a dignified standard of living (such as residency rights, access to means of subsistence and accommodation, emergency care and adequate care for minors) has to be ensured in respect of everyone.

- ▶ free access to labour market without any additional permit needed;
- ▶ full coverage by the public health insurance system which is applicable even within a period of 30 days before the temporary protection is awarded if any medical services within the Czech territory are sought. For foreigners except children and elderly, the free access to the health insurance system is limited to 150 days;
- ▶ a humanitarian benefit of CZK 5 000 to be provided (i) once to all individuals; and (ii) on a regular monthly basis to all individuals whose income, social and material situation does not allow them to cover their basic living needs. From the sixth month, the amount of benefit shall be decreased to CZK 4 620 for adults and CZK 3 320 for minors under 18 years of age;
- ▶ a “solidary household benefit” payable to Czech households who agreed to provide a temporary free-of-charge accommodation to the beneficiaries;
- ▶ access to certain social services (the social service of childcare in child groups);
- ▶ exceptions from some rules otherwise applicable for foreigners (e.g. an option to document education and criminal record with an affidavit);
- ▶ support in access to education.

No other alternatives to temporary protection have been mentioned in the recent legislation.

- b) Possibility to file status change inside the territory without the requirement for the person to first leave the country or return to Ukraine from temporary protection or other forms of adequate protection to employment-based residence permit during the temporary protection regime and at the end of this regime (e.g. single permit for work, EU Blue Card for highly-qualified workers, seasonal workers, family reunification).

There is a possibility of changing status from temporary protection to single work permit, EU Blue Card, seasonal worker and family reunification.

Other forms of adequate protection do not exist in Czech Republic.

However, at this moment, it is not entirely clear what happens with temporary protection status once a person applies for other statuses during temporary protection and/or after. It appears that other status would need to be obtained before the one-year period comes to an end, otherwise the residence rights in the Czech Republic could be lost. However, it seems to be too early to analyse this, as it is highly likely that the entire system will be changing depending on further developments of the crisis.

- c) Relevant national legislation on changing the status (including the procedure to be followed).

Status change from temporary protection to single work permit, EU Blue Card, seasonal worker and family reunification

The conditions set in the legislation to apply for such a status change while remaining in the country:

Temporary protection is deemed to fall within the category of holders of visa under Section 33(1)a) of the Act on the residence of foreigners within the territory of the Czech Republic. All individuals within this category do

not have to travel to their home country to file the application for the single permit for work, EU Blue Card, seasonal card, or family reunification.		
Any difference in admission criteria and conditions between first time applicant and when applying for a change of status: No other difference besides the place of filing.		
Any alteration of rights with respect to		
residence: N/A	employment rights: No, both statuses provide for free access to labour market.	social welfare and social security rights: Benefits summarised above do not apply in case of single permit, EU Blue Card, seasonal card, or family reunification.

- d) Measures aiming to preclude registration of displaced persons in more than one Member State/EEA-EFTA country (see Article 26 of the Temporary Protection Directive).

Temporary protection cannot be afforded to an individual who already requested it in other EU Member States (Section 5(1)c) of the Act No. 65/2022 Sb).

3.0 Access to labour market (Article 12 of the Temporary Protection Directive)

- a) Overview on how equal treatment on the labour market as regards working conditions is ensured for persons enjoying temporary (or adequate) protection from Ukraine.

The Czech Anti-Discrimination Act prohibits any discrimination on the basis of nationality.

The Czech Labour Code defines in Section 16 the principle of equal treatment, which also relates to all third country nationals who lawfully reside and work in the Czech Republic. Section 110 of the Labour Code defines the principle of equal pay for equal work / work of equal value.

- b) Conditions applicable to persons enjoying temporary (or adequate) protection from Ukraine, (including the procedure to be followed):
 - I. The conditions regulating work permits/work authorisation, if required

No work permit / work authorisation is required under the Act No. 66/2022.

Under the Section 87 of the Employment Act, employers of these individuals must inform the Regional Labour Office about the employment of any foreigner within 10 days from commencement of the employment relationship.

II. Recognition of qualifications/diplomas

As a general rule, qualification of diplomas needs to be proven by official documents in the Czech Republic. In professions where the qualification is either regulated by local legal regulation or expressly required by employers, official documents need to be acknowledged by the Czech authorities and submitted.

However, Section 3(5) of the Act No. 66/2022 states that individuals can document their education by an affidavit:

- ▶ within the first six months after obtaining temporary protection – without any restriction;
- ▶ after six months after obtaining temporary protection – if they name a reason why they cannot document their education properly.

III. Eligibility to receive assistance for job seekers (e.g., career counselling, skills assessment, locating appropriate job openings, etc.)

All job seekers can use the support of Labour Offices, which maintain a list of job seekers and a list of available positions, provide support and counselling to all individuals and participate at certain projects to promote employment of specific groups like employees with disability. Details are regulated in the Employment Act.

In response to the refugee crisis, the Labour Office has set up a helpline for employees / job seekers from Ukraine and for their employers, where advice can be provided both in Czech and Ukrainian language. Its website contains detailed information in Ukrainian language. Further measures would be determined on an individual level.

IV. Availability of vocational training/educational opportunities for adults/practical workplace experience.

All job seekers can use the support of Labour Offices who can help them define training opportunities and arrange for a requalification program, during which the individuals can also receive a special monetary requalification benefit. This is usually assessed on an individual basis and is also available for persons enjoying temporary protection, including displaced persons coming from Ukraine. Details are regulated in the Employment Act.

V. Any exceptions to the general law in force in the country applicable to remuneration and other conditions of (self-) employment

There are no specific issues or salient points identified for this question.

4.0 Social security, social welfare and means of subsistence assistance, as well as medical care (Article 13 of the Temporary Protection Directive)

I. Types of benefits with description and coverage

Except for the humanitarian benefit mentioned below in this box, there are no specific rules applicable to displaced persons from Ukraine.

Regarding social security benefits, there are three social insurance systems in place in Czechia (pension insurance, health insurance, sickness insurance) and a specific insurance scheme for accidents at work and industrial diseases. No other rules have been implemented to address the current humanitarian crisis. All social security benefits that are available to Czech nationals are also available to persons enjoying temporary protection.

The following social benefits are also provided to displaced persons from Ukraine.

- ▶ A humanitarian benefit of CZK 5 000 is provided (i) once to all individuals; and (ii) on a regular monthly basis to all individuals whose income, social and material situation does not allow them to cover their basic living needs. From the sixth month, the amount of benefit shall be decreased to CZK 4 620 for adults and CZK 3 320 for minors under 18 years of age.
- ▶ Full coverage by the public health insurance system which is applicable even within a period of 30 days before the temporary protection was awarded if any medical services within the Czech territory were sought. This includes all types of medical care that is provided within the public healthcare framework, including essential care, urgent care and dental care. For individuals aged 18 – 65, free access to the public health insurance system is limited to 150 days.
- ▶ Access to certain social services (the social service of childcare in child groups).
- ▶ Free train transportation while fleeing to the Czech Republic and within five days after receiving the temporary protection status.

II. Eligibility conditions

All foreigners enjoying temporary protection from Ukraine that are employed / residing in Czechia are entitled to receive social security / social welfare benefits under the same conditions as Czech nationals.

III. Any exceptions to the general law in force in the country to access to social security systems or social welfare system relating to employed or self-employed activities

There are no specific issues or salient points identified for this question.

5.0 Public support instruments

Overview of other public support instruments facilitating labour market participation, information about and enforcement of rights and entitlements for displaced persons.

The Russian invasion in Ukraine has triggered a huge wave of sympathy within the Czech population and during the first week, nearly every stakeholder (public authorities, municipalities, NGOs, individuals etc.) have stepped up to support the refugees. As a result, it appears impossible to list all activities that have happened, but the following can be highlighted:

- ▶ the Labour Office and the Ministry of Interim Affairs set up hotlines and websites containing information for refugees (both on the websites of both authorities uradprace.cz and mvcr.cz as well as on a special website nasiukrajinci.cz);
- ▶ a number of “Regional assistance centres” have been set up where all necessary administrative steps can be arranged for;
- ▶ several NGOs are active in welcoming refugees at entry points, offering transport, searching for suitable accommodation and work, donating them food, equipment etc. and providing all sorts of counselling;
- ▶ public authorities, municipalities, businesses and individuals are providing temporary housing to the refugees;
- ▶ social partners and some employers are supporting the temporary protection holders in job search;
- ▶ the Czech Bar Association and some major law firms are providing free-of-charge legal counselling;
- ▶ Charles University and other universities are offering researchers and Ph.D. students the opportunity to pursue their research here, etc.;
- ▶ the Centre for the Support of Integration of foreigners, as well as some other stakeholders, organise Czech language courses for foreigners;
- ▶ the government launched a campaign to draw the public attention to the topic of propaganda and disinformation about the refugee crisis;
- ▶ a new “solidary household benefit” is payable to Czech households who agreed to provide a temporary free-of-charge accommodation to the persons enjoying temporary protection.