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**Labour Inspection Act**  
of 3 May 2005

Parliament has adopted the following Act of the Czech Republic:

**PART ONE**

**GENERAL PROVISIONS**

**Article 1**

This Act shall regulate the organisation and status of labour inspection bodies in their capacity as controlling bodies in the area of the protection of labour relations and labour conditions, the scope and competences of these bodies and their rights and duties in the process of exercising control, as well as the sanctions to be imposed in the event of a breach of established duties.

**Article 2**

(1) A State Labour Inspection Office (hereinafter referred to as “the Office”) shall be established, as well as regional labour inspectorates (hereinafter referred to as “inspectorates”), which shall function as administrative offices. The headquarters of the Office shall be in Opava. The designations, the seats and the territorial limits of the inspectorates are indicated in the Annex to this Act.

(2) The Office shall be a separate accounting entity. For the purposes of managing state property, including state budget funds, the inspectorates shall have the status of units within the structure of the Office.

(3) The Office shall be subordinated to the Ministry of Labour and Social Affairs (hereinafter referred to as “the Ministry”).

(4) Head of the Office shall be the Inspector General. The head of an inspectorate shall be a Chief Inspector. The appointment and the release from office of the Inspector General and of chief inspectors shall be regulated by the Public Service Act.<sup>1</sup>

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<sup>1</sup> Art. 53 of Act No 218/2002 Coll. concerning Public Officials in Administrative Departments and the Remuneration of This and Other Categories of Administrative Department Employees (Public Service Act).

## PART TWO

### SCOPE AND COMPETENCES OF THE OFFICE AND OF THE INSPECTORATES

#### Article 3

(1) The Office and the inspectorates shall control compliance with duties deriving from –

- (a) legal provisions on labour law relations from which rights and obligations arise for employees, the appropriate trade union body or the council of employees, or for the representative for safety and health protection at the workplace<sup>2</sup>, including legal provisions on the remuneration of employees, compensations on salaries and wages or reimbursement of expenses incurred by employees but excepting legal provisions on employment and legal provisions on the protection of employees in the event of the employer's insolvency;
- (b) legal provisions establishing working hours and times of rest;
- (c) legal provisions on safety at work;
- (d) legal provisions on the safe operation of technological facilities posing enhanced life and health hazards and legal provisions on the safe operation of designated technological facilities;
- (e) legal provisions on the employment of women, minors<sup>3</sup>, employees taking care of children and employees who have furnished proof of taking care, predominantly single-handed and on a long-term basis, of a predominantly or completely helpless person;
- (f) legal provisions regulating artistic, cultural, sports or advertising activities with children<sup>4</sup>.

(2) The Office and the inspectorates shall exercise in equal measure control of respect for

- (a) collective agreements<sup>5</sup> in the sections which regulate employees' individual labour law entitlements deriving from legal as well as internal regulations under Article 21 of the Labour Code;
- (b) internal regulations issued under the Wages, Emergency Work Recompense and Average Earnings Act<sup>6</sup>, the Remuneration and Emergency Work Recompense in the Budgetary and Some Other Organisations and Bodies Act<sup>7</sup> or the Travel Reimbursement Act<sup>8</sup>, in the cases in which these regulations establish the entitlements of employees.

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<sup>2</sup> Art. 18, Paragraph 1, of the Labour Code.

<sup>3</sup> Art. 274, Paragraph 2, of the Labour Code.

<sup>4</sup> Art. 18, Paragraph 1, of the Labour Code; Art. 121-124 of the Employment Act (No. 435/2004 Coll.).

<sup>5</sup> Art. 20 of the Labour Code.

<sup>6</sup> The Wages, Emergency Work Recompense and Average Earnings Act (No.1/1992 Coll.), as amended by subsequent legislation.

<sup>7</sup> The Remuneration and Emergency Work Recompense in the Budgetary and Some Other Organisations and Bodies Act (No. 143/1992 Coll.), as amended by subsequent legislation.

<sup>8</sup> The Travel Reimbursement Act (No. 119/1992 Coll.), as amended by subsequent legislation.

(3) The Office and the inspectorates shall also exercise control in the cases established by specific legal provisions<sup>9</sup>.

#### Article 4

(1) The Office shall –

- (a) govern inspectorates which shall be subordinated to it in matters of public service organisation and of employment relations of public officials performing administrative duties as a service provided to the public by the Czech Republic;
- (b) provide professional guidance and technical assistance to inspectorates;
- (c) prepare the annual programme of control activities, discuss it with central trade union bodies and employers' organisations and submit it for approval by the Ministry;
- (d) coordinate control activities carried out by inspectorates with activities carried out by other administrative departments in accordance with specific legal provisions; it shall also be empowered to exercise supervision or, if need be, control in the area of safety and health in the working environment and of working conditions;
- (e) be empowered to require from other administrative departments competent to exercise supervision or, if need be, control in the area of safety and health in the working environment and of working conditions the most essential information necessary to carry out control activities;
- (f) issue inspectors with permits to exercise control under this Act and withdraw such permits ;
- (g) be empowered to exercise control within the framework indicated in Article 3;
- (h) put in place measures to remedy shortcomings identified in the process of exercising control under Article 6, Paragraph 6, set the appropriate time-limits to remedy these shortcomings and require a written report on the measures implemented;
- (i) control the implementation of the measures to remedy discovered shortcomings;
- (j) within the framework of administrative procedure –
  - 1. make first-instance decisions on breaches of the law or administrative offences;
  - 2. impose first-instance disciplinary fines for failure to perform duties under Article 6, Paragraph 2, sentence two;
  - 3. reviews decisions made by inspectorates on breaches of the law or administrative offences;
- (k) reviews, within its administrative competence, decisions -
  - 1. to impose disciplinary fines made by inspectors from the Office;
  - 2. on prohibitions imposed by inspectors from the Office under Article 7, Paragraph 1, Subparagraph j (1).

(2) The Office shall –

- (a) provide on request essential information obtained in the process of exercising control to other administrative departments which are competent to exercise supervision or, if need be, control in the area of health and safety in the working environment and of working conditions;

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<sup>9</sup> Act No. 353/1999 Coll. on the Prevention of Major Accidents Caused by Specified Hazardous Chemical Substances and Chemical Products and on the Amendment of Act No.425/1990 Coll. on Regional Offices, on the Regulation of Their Scope and on Other Related Measures, as amended by subsequent legislation (the Prevention of Major Accidents Act, as amended by subsequent legislation).

- (b) submit suggestions to the Ministry on how to improve the legal base of the provisions set forth in Article 3, Paragraph 1;
- (c) participate together with the Ministry in international cooperation on the working environment and the safety of work and working conditions;
- (d) provide legal and natural persons employing natural persons within the framework of labour relations (hereinafter referred to as “employers”) and employees with essential information and guidance concerning the protection of labour relations and working conditions free of charge;
- (e) on the basis of data provided by inspectorates, prepare a general annual report on the results of control activities which is to be submitted to the Ministry and inform central trade union bodies and employers’ organisations of its content;
- (f) cooperate on adult education programmes and programmes for the protection of labour relations and working conditions run by other administrative departments, central trade union bodies or employers’ organisations.

(3) The Office shall run and ensure the operation of a system of information on occupational injuries<sup>10</sup> and an information system designed to assess the risk existing at the workplace and the risk-prevention measures identified in the course of control; such assessments shall be based on data provided by the inspectorates.

- (4) The information system on occupational injuries shall contain data about –
- (a) persons who have suffered occupational injuries - names and surnames, date of birth, citizenship, permanent residence and gender;
  - (b) the employer - name, object of entrepreneurial activity, place where the occupational injury happened and work performed when the occupational injury happened;
  - (c) the occupational injury –nature of the injury and injured part of the body, type of occupational injury, source of the occupational injury, including its organisational and technical causes, and why the occupational injury happened.

The information system on occupational injuries shall be designed for use by the Office and the Ministry; the data it provides shall be made available to other bodies in the cases established in specific acts<sup>11</sup> or in the cases where prior consent has been obtained from the injured party or from another concerned party likely to be affected by making the data record available. In order to make distant access possible, the data from the information system shall also be made available in electronic form to the Czech social insurance administration.

- (5) The information system on risk assessment at work shall contain data about –
- (a) the employer - employer’s name and object of entrepreneurial activity;
  - (b) the risks at work and the risk-prevention measures adopted.

The information system on risk assessment at work shall be designed for use by the Office and the Ministry.

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<sup>10</sup> Article 133(c) of the Labour Code. Government Decree No. 494/2001 Coll. establishing the procedure for collecting evidence, announcing and forwarding reports on injuries, the format of such reports and the list of the bodies and institutions to which the notifications of occupational injuries and the reports are to be forwarded.

<sup>11</sup> For instance, Article 128 of the Civil Procedure, Article 11, Paragraph 1, of the Social Insurance Organisation and Operation Act (No. 582/1991 Coll.), as amended by subsequent legislation, Article 9, Paragraph 1, of the State Statistical Service Act (No. 89/1995 Coll.), as amended by subsequent legislation.

(6) In operating the information systems indicated in Paragraphs 4 and 5, the Office shall be bound to ensure the protection of personal data in accordance with the provisions of the specific legislation.<sup>12</sup>

## Article 5

- (1) Each inspectorate shall –
- (a) exercise control within the scope indicated in Article 3;
  - (b) impose measures to remedy the shortcomings identified in the course of control, set adequate time-limits for their elimination and require the submission of a written report on the measures adopted;
  - (c) control the implementation of the measures to remedy the identified shortcomings;
  - (d) examine relevant guidelines and interdictions issued by trade union bodies under Article 136, Paragraph 1 (c) and (d) of the Labour Code; this shall be done in conformity with the specific legal provision<sup>13</sup>;
  - (e) be empowered to verify the reasons for and the circumstances in which occupational injuries occur and, if need be, participate in the investigations at the place of the injury;
  - (f) provide the Office with data on –
    - 1. occupational injuries<sup>10</sup> to help maintain the information database under Article 4, Paragraph 4, of occupational injuries which occurred on its territory, indicating also their organisational and technical causes;
    - 2. risks at work identified in the course of control and on the risk-prevention measures adopted, in order to maintain the information database under Article 4, Paragraph 5;
  - (g) submit suggestions to the Office to improve the legal base of the provisions set forth in Article 3, Paragraph 1;
  - (h) provide information and prepare reports on the accomplishment of its tasks to be submitted to the Office;
  - (i) express their opinion as to whether specific design documentations for buildings intended for use in the public interest or as workplaces for natural persons meet the requirements of legal provisions to ensure the safety of work and of technological equipment;
  - (j) on issuing permissions to construct buildings designed for use in the public interest or as workplaces for natural persons, apply the requirements of legal provisions to ensure the safety of work and of technological equipment<sup>14</sup>;
  - (k) provide employers and employees, free of charge, with essential information and guidance with respect to the protection of labour relations and working conditions;
  - (l) within the framework of administrative procedure make first-instance decisions -
    - 1. on breaches of the law or administrative offences ;
    - 2. to impose disciplinary fines for failure to perform duties under Article 6, Paragraph 2, sentence two;

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<sup>12</sup> The Personal Data Protection Act and the Amendment of Some Other Acts (No. 101/2000), as amended by subsequent legislation.

<sup>13</sup> Article 136, Paragraph 2, of the Labour Code.

<sup>14</sup> For instance, Government Decree No. 11/2002 Coll., determining the shape and position of safety signs and the introduction of signals.

<sup>15</sup> Article 137 (a) of the Labour Code.

- (m) review within the framework of administrative procedure decisions -
1. to impose disciplinary fines made by an inspector from the inspectorate;
  2. on prohibitions under Article 7, Paragraph 1, Subparagraph j, Item 1, imposed by an inspector from the inspectorate.

(2) Should an inspectorate exercise control on the basis of written instructions, it shall inform in writing those from whom the instructions have come about the results of the control. The above provision shall also be applied when proceeding pursuant to Article 6, Paragraph 6.

## Article 6

(1) The competences of the Office and the inspectorates shall extend to –

- (a) employers and their employees, to legal persons on whose premises public functions are performed and to natural persons who perform public functions;
- (b) natural persons acting as employers while also working in their own right<sup>15</sup>;
- (c) natural or legal persons acting as entrepreneurs under a special legal provision<sup>16</sup> without employing anyone<sup>17</sup>;
- (d) the co-employed spouse or child of a person indicated under (b) or (c)<sup>18</sup> above;
- (e) sending and hosting organisations and volunteers in the cases where voluntary services are conducted under a specific legal provision<sup>19</sup>;
- (f) legal persons functioning as schools or as educational establishments, other legal or natural persons on whose premises the practical training of secondary schools students is carried out, vocational schools<sup>20</sup> or higher vocational establishments;
- (g) prisons, legal or natural persons providing employment to and for persons serving sentences<sup>21</sup>;
- (h) legal and natural persons on whose premises artistic, cultural, sports and advertising activities with children are carried out<sup>4</sup>;

(hereinafter referred to as “controlled persons”).

(2) Where control might lead to the disclosure of sensitive information - at the installations of the armed and security forces falling within the scope of the Ministry of the Defence, the Ministry of the Interior, the Ministry of Justice and the Ministry of Finance, within the systems of the Security Information Service, the Office for External Contacts and Information and the National Security Office and on the sites under the governance of the Ministry of the Interior - inspections may be carried out only with the consent of the appropriate Ministry, whereas at the installations of the Security Information Service, the Office for External Contacts and Information and the National Security Office, only with the consent of their directors. In the event of an empowered person’s refusing to grant his consent as envisaged in the above provision, he shall ensure that the control within his competence is exercised and shall submit, within 60 days from the day on which he refused to grant his

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<sup>16</sup> For instance, the Commercial Act.

<sup>17</sup> Article 137 (b) of the Labour Code.

<sup>18</sup> Article 137 (c) of the Labour Code.

<sup>19</sup> Articles 3 and 4 of the Voluntary Service Act Amending Some Other Acts (the Voluntary Service Act), No. 198/2002 Coll.

<sup>20</sup> Article 65, Paragraphs 1 and 2, of the School Act.

<sup>21</sup> The Serving of Prison Sentences Act Modifying Some Related Acts (No. 169/1999 Coll.) as amended by subsequent legislation.

<sup>22</sup> Articles 81-83 and 96 of the Public Service Act.

consent, a report in writing on the results of the control carried out to the labour inspection body which had requested his consent.

(3) With respect to the legal relations of public officials performing administrative duties as a service provided to the public by the Czech Republic which fall under the regulation of the Public Service Act, the Office and the inspectorates may only control matters related to the length of and the interruptions in public service, to emergency work, supplementary working hours and night work, and the safety of performing public service<sup>22</sup>.

(4) The competence of the Office and the inspectorates shall not extend to –

- (a) soldiers in active service called up to military training under the Act on Basic Service, Compensatory Service and Military Training, and on Some Labour Relations concerning Reserve Soldiers<sup>23</sup>;
- (b) career soldiers under the Professional Soldiers Act<sup>24</sup>;
- (c) natural persons undergoing service in security corps under the Security Corps Employment Relations Act<sup>25</sup>;
- (d) legal or natural persons authorised to perform entrepreneurial activities, if these fall under the supervision of the state mining administration<sup>26</sup>;
- (e) other controlled persons, to the extent to which they are controlled by public health supervision bodies<sup>27</sup>;
- (f) other controlled persons, to the extent to which they fall under the supervision of the State Nuclear Safety Office<sup>28</sup>;
- (g) other controlled persons, to the extent to which they fall under the supervision of the road administration offices and the Road Inspection Office<sup>29</sup>;
- (h) the safety of operation of certain technological installations of the armed forces of the Czech Republic<sup>30</sup>;
- (i) the activity of the security corps in the course of service intervention<sup>31</sup> or when acting in accordance with specific legal provisions<sup>32</sup>;

(5) An inspectorate's territorial competence to exercise control shall depend on the location of the activities of the controlled person and, in the case of a state entity, on the location of this entity's seat; where administrative activities are concerned, an inspectorate's

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<sup>23</sup> The Act on Basic Service, Compensatory Service and Military Training, and on Some Labour Relations concerning Reserve Soldiers (No. 220/1999 Coll.), as amended by Act No.128/2000 Coll.

<sup>24</sup> The Professional Soldiers Act (No.221/1999 Coll.), as amended by subsequent legislation.

<sup>25</sup> The Security Corps Employment Relations Act (No. 361/2003 Coll.), as amended by subsequent legislation.

<sup>26</sup> The Mining, Explosives and State Mining Administration Act (No. 61/1988), as amended by subsequent legislation.

<sup>27</sup> The Public Health Protection Act Modifying Some Other Related Acts (No. 258/2000 Coll.), as amended by subsequent legislation.

<sup>28</sup> The Peaceful Use of Nuclear Energy and Ionising Radiation Act (the Atomic Energy Act) Modifying Some Other Related Acts (No. 18/1997 Coll.), as amended by subsequent legislation.

<sup>29</sup> Articles 54, 53a and 58 of the Roads Act ( No. 266/1994 Coll.), as amended by subsequent legislation.

<sup>30</sup> Article 36 of the Armed Forces of the Czech Republic Act (No. 219/1999 Coll.).

Decree No. 273/1999 Coll., defining certain technological devices in use with military equipment, weapons, and military technology, in military sites and for testing certain technical installations.

<sup>31</sup> For instance, Article 42 of the Police of the Czech Republic Act (No. 283/1991 Coll.).

<sup>32</sup> For instance, the Fire Protection Act (No. 133/1985 Coll.), as amended by subsequent legislation, and the Integrated Protection System Act Modifying Some Other Acts (No. 239/2000 Coll.), as amended by subsequent legislation.

territorial competence shall be determined by administrative procedure. In certain cases requiring specific approach, especially for reasons of unfair bias, the Office may entrust, in writing, the exercise of control functions to an inspectorate other than the local one.

(6) In certain cases requiring specific approach, especially for reasons of unfair bias, the Office shall be empowered to reserve to itself the right to perform a control task, which would otherwise fall within the competence of the respective local inspectorate.

## **PART THREE**

### **RIGHTS AND OBLIGATIONS IN EXERCISING CONTROL**

#### **Article 7**

- (1) An inspector shall be empowered to –
- (a) accomplish control tasks under this Act in the cases where a member of the statutory body of the controlled person, his representative, an employee of his, an associate belonging to the same family or another natural person who carries out or ensures the performance of tasks central to the activity of the controlled person is present at the commencement; in places likely to pose immediate hazard to the inspector's life or health, control may only be accomplished in the presence of a person authorised to that effect by the controlled person;
  - (b) enter, free of charge, the site, installation or the production premises of the controlled person for the purposes of accomplishing control tasks;
  - (c) require from the controlled persons to provide truthful and complete information about the facts under consideration and other facts related to them;
  - (d) verify the identity of the natural persons indicated under 1(a) above by requesting their identity cards, passports or service cards in the case of public officials<sup>33</sup>;
  - (e) require controlled persons to present, within a definite time-limit, the original documents, duly certified if necessary, and other documents, data records in appropriate electronic form and respectively print-outs, programme source codes, and samples from materials, substances or products (hereinafter referred to as "documents") needed for the purposes of control;
  - (f) photocopy parts of the documents or of the print-outs of these documents in order to attest to the failure, identified during the inspection, to perform duties or to perform them in full; for the purpose technology shall be used, such as equipment making it possible to prepare photo-documentation, and visual or audio data records.
  - (g) in the instances requiring a special approach, as for instance if there is a danger of delay –
    - 1. the documents shall be secured; the controlled person shall be provided with a written confirmation that the documents have been taken over and shall be given copies of the documents;
    - 2. only the essential number of samples of materials, substances or products needed for control purposes (hereinafter referred to as "control samples") shall be selected for examination; the controlled person shall be provided with a written confirmation of the receipt of the control samples;
    - 3. appropriate measurements, inspections, tests or revisions shall be prescribed;

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<sup>33</sup> Article 194 of the Public Service Act.



- (h) make inquiries of the controlled person's employees without the presence of other persons, of the representative of the respective trade union body or of the representative for safety and health at work concerning matters related to the ongoing control<sup>34</sup>;
- (i) order that the place where an injury has come about be kept in its initial state until the investigation has been completed or for the period necessary to have the place documented;
- (j) issue a decision prohibiting –
  1. the use of sites, workplaces, production or work devices or equipment, work or technological approaches, substances or materials, or the performance of work or activities posing an immediate hazard to the safety of employees or of other persons present on the premises of which the controlled person is aware, and this interdiction shall be maintained until the fault has been remedied, except in the cases concerning massive traction equipment, traction road vehicles and public transport vehicles, boats and aircraft; the inspector may order for the purpose that all persons present leave immediately the areas posing immediate risk for their safety. If delay is likely to increase the hazard, the decision may be announced orally; calling-off shall not have dilatory effect. Should the decision be announced orally, the inspector shall indicate this in the working report [Article 8 (h)]. The decision to impose an interdiction shall be announced to the controlled person in writing without undue delay on the day of the oral announcement of the decision;
  2. extra-hours, night work and the work of women and minors, should these be carried out in contravention of the specific legal provisions<sup>35</sup>;
- (k) impose measures on the controlled person designed to remedy the shortcomings identified in the course of the inspection and fix adequate time-limits for the purpose, as well as require that a written report be submitted on the measures implemented; the inspector can also recommend technical and other measures necessary to eliminate risk<sup>36</sup>;
- (l) impose on behalf of the labour inspection body a disciplinary fine on a natural person for failure to carry out the duties of the controlled person (Article 9);
- (m) make use of the telecommunications equipment of the controlled person in the instances in which such use is inevitable for the accomplishment of the control tasks;
- (n) have access to sensitive information if he can prove that he is authorised to deal with sensitive information of the respective level<sup>37</sup>.

(2) The inspector's service card [Article 4, Paragraph 1(f)] shall be the document testifying to his being empowered to perform control functions.

## **Article 8 Inspector's Duties**

An inspector shall be obliged to –

- (a) identify himself in the course of control by presenting his service card [Article 4, Paragraph 1(f)];

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<sup>34</sup> Article 18, Paragraph 1, and Article 136 (a) of the Labour Code.

<sup>35</sup> Article 83, Paragraph 6, and Articles 96, 99 and 166, Paragraph 1, of the Labour Code.

<sup>36</sup> Article 132 (a) of the Labour Code.

<sup>37</sup> The Information Protection Act Modifying Some Other Acts (No. 148/1998 Coll.), as amended by subsequent legislation.

- (b) inform of the commencement of the inspection the appropriate trade union body or employees' council or the representative for safety and health at work, if such persons function with the controlled person;
- (c) respect the rights and the legally protected interests of the controlled person;
- (d) maintain silence concerning the identity of the person whose signal has led to initiating control;
- (e) ensure proper protection of the photocopied parts of the documentation and its print-outs and the secured originals of the documentation against loss, destruction, damage or misuse;
- (f) return without delay to the controlled person the secured documentation if there are no longer any reasons to withhold it; make an entry about the photocopied parts of the documentation and the photocopied print-outs in the inspection report;
- (g) identify in the course of the inspection the real state of affairs and document the findings;
- (h) draw up a working report on the results of the inspection [Article 7, Paragraph 1, Subparagraph j(1)] and an inspection report; the working report shall form part of the final inspection report;
- (i) notify the controlled person of the content of the inspection report and hand in a copy of the report to him; the controlled person shall confirm that he is familiar with the inspection report by signing it. Should the controlled person refuse to read the inspection report or to confirm that he is familiar with it, this circumstance shall be included in the report;
- (j) maintain silence on personal data related to natural persons and on commercial secrets which he came to learn while accomplishing his control tasks.

### **Article 9**

(1) The controlled person shall create conditions for the inspection to be carried out and shall cooperate in the areas of the inspector's competence under Article 7. A natural person shall have no obligations under Article 7, Paragraph 1 (c), in the cases where by fulfilling its provisions, he would expose himself or persons close to him to the danger of facing prosecution<sup>38</sup>.

(2) The controlled person shall, to the requisite degree corresponding to the nature of his activity and technical equipment, ensure the material and technical conditions necessary for the inspection to be carried out.

(3) Authorised employees or representatives of the controlled person shall come at the inspector's request at the time fixed in order to discuss the results of the inspection.

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<sup>38</sup> Articles 116 and 117 of the Civil Code.

## **PART FOUR**

### **BREACHES OF THE LAW AND ADMINISTRATIVE OFFENCES COMMITTED BY LEGAL PERSONS**

#### **Breaches of the Law**

##### **Article 10**

#### **Breaches of the Legislation concerning the Employer's Cooperation with the Body Negotiating on Behalf of Employees**

(1) A natural person shall be considered guilty of a breach of the legislation concerning the employer's cooperation with the body negotiating on behalf of employees if he fails to fulfil his obligations to the appropriate trade union bodies, employees' councils or the representatives for safety and health at work deriving from Articles 18 and 18(a), Article 25 (c), Paragraphs 4 and 5, Articles 52 and Article 250, Paragraph 1, of the Labour Code.

(2) A fine as high as CZK 200,000 may be imposed for a breach of the law under Paragraph 1.

##### **Article 11**

#### **Breaches of the Legislation on Equal Treatment**

(1) A natural person shall be considered guilty of a breach of the legislation concerning equal treatment if he –

- (a) fails to ensure equal treatment of all employees in respect of working conditions, remuneration and provision of other cash and non-cash benefits, as well as vocational training and equal career or other employment opportunities;
- (b) discriminates against employees (Article 1, Paragraph 4, of the Labour Code);
- (c) penalises or disadvantages employees because of their lawfully seeking to promote their rights and claims deriving from labour law relations;
- (d) fails to discuss with an employee or, at the employee's request, with the employees' representative the employee's grievance concerning the exercise of rights and duties deriving from labour law relations<sup>39</sup>.

(2) A fine as high as CZK 400,000 may be imposed for a breach of the law under Paragraph 1.

##### **Article 12**

#### **Breaches of the Legislation on Labour Relations or Breaches of Agreements to Carry out Work outside Labour Relations**

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<sup>39</sup> Article 25(c), Paragraph 7, of the Labour Code.

(1) A natural person shall be considered guilty of a breach of the legislation on labour relations or of an agreement to carry out work outside labour relations if he fails to meet his obligations with respect to the emergence, modification or termination of labour relations, or with respect to an agreement to carry out work or an agreement on a work activity.

(2) A fine as high as CZK 300,000 may be imposed for a breach of the law under Paragraph 1.

### **Article 13**

#### **Breaches of the Legislation on the Remuneration of Employees**

(1) A natural person shall be considered guilty of a breach of the legislation on the remuneration of employees if he –

- (a) fails to provide to an employee equal wage or pay for the same work or for work of equal value as to another employee;
- (b) fails to provide to an employee a wage<sup>6</sup> or pay<sup>7</sup> at least as high as the minimum wage<sup>40</sup> or the minimum wage tariff<sup>41</sup> or the pay fixed for the job;
- (c) fails to provide to an employee, within the fixed time-frame, the wage<sup>6</sup> or the pay<sup>7</sup> due or some of their components;
- (d) fails to provide to an employee a wage<sup>6</sup> or pay<sup>7</sup> or compensatory time-off for extra working hours;
- (e) fails to provide to an employee compensatory time-off for work during holidays or pay for extra work or wage supplements for such work;
- (f) fails to provide to an employee wage supplements for work in difficult or harmful conditions and for work at night<sup>41</sup>;
- (g) fails to provide to an employee wage supplements, although he is under an obligation to do so pursuant to a specific legal provision;
- (h) grants an employee a wage component to which the employee is not entitled under the legal provisions in place, or a wage<sup>6</sup> or a pay<sup>7</sup> component to which the employee has no claim, or if he grants it in a way which the legislation does not permit;
- (i) without a previous agreement on the amount of the wage<sup>6</sup> or pay<sup>7</sup> deductions, makes deductions from the employee's wage<sup>6</sup> or pay<sup>7</sup>, other than the prescribed ones;

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<sup>40</sup> Article 111, Paragraph 3 and 4 of the Labour Code.

Government Degree No. 303/1995 Coll. on minimum wage, as amended by subsequent legislation.

<sup>41</sup> Government Degree No. 333/1993 Coll. on fixing the minimum wage tariffs and wage supplements for work in difficult or harmful conditions and for work at night, as amended by subsequent legislation.

<sup>42</sup> Article 15 of Act No. 1/1992 Coll., as amended by Act No. 217/2000 Coll.

Article 19 of Act No. 143/1992 Coll., as amended by Act No. 40/1994 Coll. and Act. No. 217/2000 Coll.

- (j) fails to grant an emergency work recompense<sup>42</sup> to an employee or fails to grant its full amount;
- (k) fails to create the prescribed conditions for achieving the set work output rates<sup>43</sup>, although he is under an obligation to do so under a specific legal provision;
- (l) remunerates an underage employee<sup>3</sup> in contravention of Article 166, Paragraph 2, of the Labour Code;
- (m) fails to remunerate<sup>44</sup> an employee for carrying out work under an agreement to perform work outside a labour relation.

(2) For breaches of the law under Paragraph 1 –

- (a) letters (a) and (j), a fine as high as CZK 500,000 may be imposed;
- (b) letters (d), (e), (h) and (k), a fine as high as CZK 1,000,000 may be imposed;
- (c) letters (b), (c), (f), (g), (i), (l), and (m), a fine as high as CZK 2,000,000 may be imposed.

## **Article 14**

### **Breaches of the Legislation on Compensations**

(1) A natural person shall be considered guilty of a breach of the legislation on compensations if he fails to grant a wage<sup>6</sup> or pay<sup>7</sup> compensation to an employee or to reimburse the expenses incurred by an employee in connection with work carried out, although he is under an obligation to do so pursuant to a specific legal provision.

(2) A fine as high as CZK 200,000 may be imposed for a breach of the law under Paragraph 1.

## **Article 15**

### **Breaches of the Legislation on Working Hours**

(1) A natural person shall be considered guilty of a breach of the legislation on working hours if he -

- (a) fails to establish working hours for individual employees in conformity with their work regime or fails to respect the established duration of work shifts, although he is under an obligation to do so pursuant to a specific legal provision<sup>45</sup>.
- (b) fails to ensure the conditions required in case of irregular work schedules, although he is under an obligation to do so pursuant to a specific legal provision<sup>46</sup>;

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<sup>43</sup> Article 16 of Act No. 1/1992 Coll., as amended by Act No. 217/2000 Coll.

<sup>44</sup> Article 239b of the Labour Code.

<sup>45</sup> The Act on Working Hours and Times of Rest of Transport Employees Working Irregular Hours (No. 475/2001 Coll.)

<sup>46</sup> Article 85, Paragraph 3, of the Labour Code.

<sup>47</sup> Article 82 of the Labour Code.

<sup>48</sup> Article 85, Paragraphs 1 and 3, of the Labour Code.

- (c) has introduced flexible working hours<sup>47</sup> without creating the necessary conditions for practicing such hours;
- (d) considers work obstacles arising from the adoption of flexible working hours as the employee's fault, in contravention of the specific legal provision<sup>48</sup>;
- (e) fails to establish the beginning and the end of the working hours and the schedule of work shifts;
- (f) when assigning work shifts, fails to take into consideration the needs of employees who take care of children;
- (g) fails to provide meal, rest and safety breaks for employees;
- (h) has lunch and rest breaks calculated for types of work which may not be interrupted;
- (i) fails to ensure to his employees work schedules that allow of a fixed uninterrupted rest period between two shifts, although he is under an obligation to do so pursuant to a specific legal provision<sup>49</sup>;
- (j) makes employees work on days of rest in cases other than the prescribed ones<sup>50</sup>;
- (k) considers holidays, incorrectly, as working days;
- (l) fails to ensure work schedules that allow an employee to have a fixed uninterrupted rest during the week, although he is under an obligation to do so pursuant to a specific legal provision<sup>51</sup>;
- (m) fails to maintain a record of the hours worked, although he is under an obligation to do so pursuant to a specific legal provision<sup>52</sup>;
- (n) orders his employees to be prepared for emergency work in contravention of Article 95 of the Labour Code, the Collective Agreement or with the Act on Working Hours and Times of Rest of Transport Employees Working Irregular Hours<sup>45</sup>;
- (o) makes his employees work overtime, in contravention with Article 96, Paragraph 1, of the Labour Code;
- (p) makes his employees take on more overtime work than is envisaged in the weekly or annual frameworks established by the Labour Code;
- (q) requires or creates conditions for extra work to be carried out which exceeds the limits envisaged by the Labour Code;
- (r) violates the interdiction to assign overtime work to pregnant employees or female employees taking care of children younger than one year of age;
- (s) assigns overtime work<sup>53</sup> to underage employees<sup>3</sup>;
- (t) assigns night work<sup>54 55</sup> to underage employees<sup>3</sup>, except in the cases where this forms part of their vocational training;
- (u) fails to ensure that an employee's night working hours do not exceed the established limit, although he is under an obligation to do so pursuant to a specific legal provision<sup>54</sup>;

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<sup>49</sup> Article 90 of the Labour Code.

<sup>50</sup> Article 91 of the Labour Code.

<sup>51</sup> Article 92 of the Labour Code.

<sup>52</sup> Article 94 of the Labour Code.

<sup>53</sup> Article 83, Paragraph 6, and Article 96, Paragraphs 1 and 2, of the Labour Code.

<sup>54</sup> Article 99 of the Labour Code.

<sup>55</sup> Article 166, Paragraph 1, of the Labour Code.

<sup>56</sup> Article 99, Paragraph 4, of the Labour Code.

(v) fails to ensure that an employee working at night is treated by a physician in the prescribed cases<sup>56</sup>;

(w) fails to reach an agreement with the appropriate trade union body or with the representative for safety and health at work on issues related to safety and health at work and the organisation of night work;

(x) fails to provide a first-aid kit and ensure the means of accessing emergency medical assistance at a workplace where night work is carried out.

(2) In the event of breaches of the law under Paragraph 1 -

(a) subparagraphs (c), (d), (f) and (w), a fine as high as CZK 300,000 may be imposed;  
(b) subparagraphs (m), (n), (u) and (x), a fine as high as CZK 400,000 may be imposed;

(c) subparagraphs (g), (i), (j), (k), (l), (q), (r), (t) and (v), a fine as high as CZK 1,000,000 may be imposed;

(d) subparagraphs (a), (b), (e), (h), (o), (p), and (s), a fine as high as CZK 2,000,000 may be imposed.

### **Article 16** **Breaches of the Legislation on Holidays**

(1) A natural person shall be considered guilty of a breach of the legislation on holidays if he violates the obligations established with respect to the length of annual holidays, to granting holidays for days worked and granting supplementary or other holidays, to using holidays or fixing their beginning.

(2) A fine as high as CZK 200,000 may be imposed for a breach of the law under Paragraph 1.

### **Article 17** **Breaches of the Legislation on Labour Safety**

(1) A natural person shall be considered guilty of a breach of the legislation concerning labour safety if he -

(a) fails to ensure, in the event of a likely life or health hazard, the safety of persons who are present at their workplaces with his knowledge;

(b) fails to perform his duty to provide information as prescribed by Article 132, Paragraph 4, of the Labour Code;

(c) fails to ensure cooperation with other persons at the same workplace and the protection of both persons' employees;

(d) transfers expenditure related to ensuring safety and health at work to the employees;

(e) fails to ensure the adoption of measures necessary to prevent risks, although he is under an obligation to do so pursuant to a specific legal provision<sup>36</sup>;

(f) fails to perform his duties with respect to ensuring safety at work as set forth by Article 133 of the Labour Code;

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<sup>57</sup> Government Decree No. 495/2001 Coll., establishing the scope and further conditions for the provision at work of personal protection devices and washing, cleaning and disinfection products.

- (g) fails to provide, free of charge, personal protection devices, working clothing and footwear, washing, cleaning and disinfection products or prescribed drinks, although he is under an obligation to do so pursuant to a specific legal provision<sup>57</sup>;
- (h) fails to perform his obligations to maintain personal protection devices in good condition or fails to control their use;
- (i) fails to place safety signs or install signals, although he is under an obligation to do so pursuant to a specific legal provision<sup>58</sup>;
- (j) fails to investigate the causes and circumstances of an occupational injury, although he is under an obligation to do so pursuant to a specific legal provision<sup>10</sup>;
- (k) fails to make a record of an occupational injury or to maintain a documentation of the required scope, although he is under an obligation to do so pursuant to a specific legal provision<sup>10</sup>;
- (l) fails to submit the record of an occupational disaster to the injured person or, in the event of a lethal end, to his relatives;
- (m) fails to maintain a record of occupational injuries of the required scope, although he is under an obligation to do so pursuant to a specific legal provision<sup>10</sup>;
- (n) fails to announce an occupational injury and report it to the appropriate bodies and institutions<sup>10</sup>;
- (o) fails to adopt measures to avoid recurrent occupational injuries;
- (p) fails to maintain records of persons who have been recognised as suffering from an occupational disease;
- (q) fails to perform his duties concerning the workplace and the working environment as established by Article 134 of the Labour Code and the Government Decree establishing further requirements for the safe operation and use of machines, technological equipment, tools and instruments<sup>59</sup>;
- (r) fails to perform his duty to ensure that the production and working instruments and equipment used are in good condition as required by Article 134a of the Labour Code;
- (s) fails to perform his duties concerning the organisation of work and work operations as set forth in Article 134e of the Labour Code, the Government Decree establishing the employer's obligations in organising work and work operations in cattle breeding<sup>60</sup>, the Government Decree establishing the employer's obligations in organising work and work operations in forestry and similar work sites<sup>61</sup>, and the Government Decree establishing the employer's obligations in organising work and work operations in running transport vehicles<sup>62</sup>;
- (t) fails to recognise the right of employees to refuse to do work on the grounds that it poses an immediate major hazard to their lives or health or to the lives and health of other persons;

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<sup>58</sup> Article 133b of the Labour Code.

Government Decree No. 11/2002 Coll.

<sup>59</sup> Government Decree No. 378/2001 Coll., establishing further requirements for the safe operation and use of machines, technological equipment, tools and instruments.

<sup>60</sup> Government Decree No. 27/2002 Coll., establishing the employer's obligations in organising work and work operations in cattle breeding.

<sup>61</sup> Government Decree No. 28/2002 Coll., establishing the employer's obligations in organising work and work operations in forestry and similar work sites;

<sup>62</sup> Government Decree No. 168/2002 Coll., establishing the employer's obligations in organising work and work operations in running transport vehicles.



- (u) assigns minors<sup>3</sup> to work during whose performance they are exposed to an enhanced risk of injury or may pose a major threat to the lives and health of other employees or other natural persons;
- (v) denies the right of trade union bodies to exercise control over the state of safety and health protection at work in the scope established by Article 136 of the Labour Code;
- (w) fails to recognise employees' right to participate in the decision-making concerning safety and health at work, although he is under an obligation to do so pursuant to a specific legal provision<sup>34</sup>;
- (x) fails to ensure respect at the workplace of the prohibition to consume alcoholic drinks or abuse other addictive substances.

(2) In the event of breaches of the law under Paragraph 1 -

- (a) subparagraphs (b), (c), (v), (w) and (x), a fine as high as CZK 300,000 may be imposed;
- (b) subparagraphs (l), (m), (n) and (p), a fine as high as CZK 400,000 may be imposed;
- (c) subparagraphs (a), (g), (j), (k), (q), (r), (s) and (t), a fine as high as CZK 1,000,000 may be imposed;
- (d) subparagraphs (d), (e), (f), (h), (i), (o) and (u), a fine as high as CZK 2,000,000 may be imposed.

### **Article 18**

#### **Breaches of the Legislation concerning Employees Working in Specific Conditions**

(1) A natural person shall be considered guilty of a breach of the legislation concerning employees working in specific conditions if he -

- (a) fails to transfer to a different workplace a pregnant employee, an employee within nine months after giving birth to a child or a nursing employee, although he is under an obligation to do so pursuant to a specific legal provision;
- (b) commits a breach of the procedure by sending on a business trip a pregnant employee, an employee taking care of a child or an employee who has furnished a proof of taking care, predominantly single-handed and on a long-term basis, of a predominantly or completely helpless natural person or a breach of the transfer procedure set forth in Article 154 of the Labour Code;
- (c) fails to meet the obligation to comply with the request of an employee taking care of a child younger than 15 years of age, a pregnant employee or an employee, who has furnished a proof of taking care, predominantly single-handed and on a long-term basis, of a predominantly or completely helpless natural person, for shorter working hours or for another suitable arrangement in respect of the working hours, although no serious management-related considerations prevent him from complying with such requests;
- (d) refuses to grant a maternal or paternal leave or grants such a leave in contravention of Articles 157-160 of the Labour Code;

- (e) refuses to grant a break for nursing to a mother or grants such a break in contravention of Article 161 of the Labour Code;
- (f) engages an underage employee<sup>3</sup> to do unsuitable work in contravention of Article 165 of the Labour Code;
- (g) fails to ensure that an underage employee<sup>3</sup> undergoes a medical examination in the cases set forth in Article 168, Paragraph 1, of the Labour Code;
- (h) fails to take into account medical conclusions when employing minors<sup>3</sup>.

(2) In the event of breaches of the law under Paragraph 1 -

- (a) subparagraphs (c) and (h), a fine as high as CZK 300,000 may be imposed;
- (b) subparagraphs (b), (d), and (g), a fine as high as CZK 500,000 may be imposed;
- (c) subparagraphs (a), (g), (j), (k), (q), (r), (s) and (t), a fine as high as CZK 1,000,000 may be imposed;
- (d) subparagraphs (a), (e) and (f), a fine as high as CZK 1,000,000 may be imposed.

### **Article 19** **Breaches of the Legislation concerning** **Technological Equipment Posing an Enhanced Life and Health Hazard**

(1) A natural person shall be considered guilty of a breach of the legislation concerning technological equipment posing an enhanced life and health hazard if he fails to ensure that the technological equipment identified in the specific legal provision<sup>63</sup> as posing an enhanced safety and health hazard is only operated by persons who are medically fit and, above all, professionally qualified

(2) In the event of a breach of the law under Paragraph 1, a fine as high as CZK 2,000,000 may be imposed.

### **Article 20** **Breaches of the Legislation concerning Specified Technological Equipment**

(1) A natural person shall be considered guilty of a breach of the legislation concerning specified technological equipment if he -

- (a) fails to ensure that inspections, revisions or tests of the operation of specified technological equipment<sup>65</sup> are carried out within the full scope of the authorisation or approval, granted by the state technological control organisation<sup>64</sup>;

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<sup>63</sup> Article 134b of the Labour Code.

Decree No. 50/1978 Coll. on vocational electro-technical qualifications, as amended by Decree No. 98/1982 Coll.

<sup>64</sup> Article 6a, Paragraph 1, of the Act on State Technological Control of Work Safety (No. 174/1968 Coll.), as amended by Act No. 159/1992 Coll.

<sup>65</sup> Articles 6b and 6c of Act No. 174/1968 Coll., as amended by Act No. 124/2000 Coll.

Decree No. 18/1979 Coll., specifying certain types of compression equipment and establishing some conditions to ensure its safety, as amended by subsequent legislation.

Decree No. 19/1979 Coll., specifying certain types of lifting equipment and establishing some conditions to ensure its safety, as amended by subsequent legislation.

Decree No. 20/1979 Coll., specifying certain types of electric equipment and establishing some conditions to ensure its safety, as amended by subsequent legislation.

Decree No. 21/1979 Coll., specifying certain types of gas equipment and establishing some conditions to ensure its safety, as amended by subsequent legislation.

(b) carries out, without any authorisation or approval by the state technological control organisation<sup>64</sup>, inspections, revisions or tests of the operation of specified technological equipment<sup>65</sup> in the instances prescribed;  
(c) fails to abide by the time-limit established for eliminating the shortcomings identified in the course of inspections.

(2) In the event of breaches of the law under Paragraph 1 -  
(a) subparagraphs (c), a fine as high as CZK 1,000,000 may be imposed;  
(b) subparagraphs (b), a fine as high as CZK 2,000,000 may be imposed;  
(c) subparagraphs (a), a fine as high as CZK 2,000,000 may be imposed, as well as an interdiction on the activity practiced and a withdrawal of the authorisation granted by the organisation of state technological control.

### **Breaches of the Legislation concerning Artistic, Cultural, Sports and Advertising Activities**

#### **Article 21**

(1) A natural person shall be considered guilty of a breach of the legislation concerning artistic, cultural, sports and advertising activities if he enables a child to engage in such activities without permission or if he fails to abide by the conditions of the permission.

(2) In the event of a breach of the law under Paragraph 1, a fine as high as CZK 2,000,000 may be imposed.

#### **Article 22**

(1) The legal representative of a child shall be considered guilty of a breach of the legislation concerning artistic, cultural, sports and advertising activities if he enables a child to engage in such activities without permission or if he fails to abide by the conditions of the permission.

(2) In the event of a breach of the legislation under Paragraph 1, a fine as high as CZK 100,000 may be imposed.

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Decree No. 85/1978 Coll., on Controlling, Inspecting and Testing Gas Equipment, as amended by Government Decree 3527/2000 Coll.

## **Administrative Offences Committed by Legal Persons**

### **Article 23**

#### **Administrative Offences Committed by Legal Persons in Respect of the Coordination between the Employer and the Body Negotiating on Behalf of the Employees**

(1) A legal person shall be considered guilty of an administrative offence in respect of the coordination between the employer and the body negotiating on behalf of the employees if it fails to comply with its obligations towards the respective trade union bodies, employees councils or the representatives for safety and health at work following from Articles 18 and 18a, Article 25c, Paragraphs 4 and 5, Article 52 and Article 250, Paragraph 1, of the Labour Code.

(2) In the event of an administrative offence under Paragraph 1, a fine as high as CZK 200,000 may be imposed.

### **Article 24**

#### **Administrative Offences Committed by Legal Persons in Respect of Equal Treatment**

(1) A legal person shall be considered guilty of an administrative offence in respect of equal treatment if it -

- (a) fails to ensure equal treatment of all employees in respect of working conditions, remuneration and provision of other cash and non-cash benefits, as well as vocational training and equal career or other employment opportunities;
- (b) discriminates against employees (Article 1, Paragraph 4, of the Labour Code);
- (c) penalises or disadvantages employees because of their lawfully seeking to promote their rights and claims deriving from labour law relations;
- (e) fails to discuss with an employee or, at the employee's request, with the employees' representative the employee's grievance concerning the exercise of rights and duties deriving from labour law relations<sup>39</sup>.

(2) A fine as high as CZK 400,000 may be imposed for an administrative offence under Paragraph 1.

### **Article 25**

#### **Administrative Offences Committed by Legal Persons in Respect of Labour Relations or of Agreements to Carry out Work outside Labour Relations**

(1) A legal person shall be considered guilty of an administrative offence in respect of labour relations or of an agreement to carry out work outside labour relations if it fails to respect the obligations established in respect of the emergence, modification or termination of labour relations, or in respect of an agreement to carry out work or an agreement on a work activity.

(2) A fine as high as CZK 300,000 may be imposed for an administrative offence under Paragraph 1.

**Article 26**  
**Administrative Offences Committed by Legal Persons**  
**in Respect of the Remuneration of Employees**

(1) A legal person shall be considered guilty of an administrative offence with respect to the remuneration of employees if it –

- (a) fails to provide to an employee the same pay for the same work or the same quality of work for the same wage or pay as to another employee;
  - (b) fails to provide to an employee a wage<sup>6</sup> or pay<sup>7</sup> at least as high as the minimum wage<sup>40</sup> or the minimum wage tariff<sup>41</sup> or the pay fixed for the job;
  - (c) fails to provide to an employee, within the fixed time-frame, the wage<sup>6</sup> or the pay<sup>7</sup> due or some of their components;
  - (d) fails to provide to an employee a wage<sup>6</sup> or pay<sup>7</sup> or compensatory time-off for extra working hours;
  - (e) fails to provide to an employee compensatory time-off for work during holidays or pay for extra work or wage supplements for such work;
  - (f) fails to provide to an employee wage supplements for work in difficult or harmful conditions and for work at night<sup>41</sup>;
  - (g) fails to provide to an employee wage supplements, although he is under an obligation to do so pursuant to a specific legal provision;
  - (h) grants an employee a wage component to which the employee is not entitled under the legal provisions in place, or a wage<sup>6</sup> or a pay<sup>7</sup> component to which the employee has no claim, or if he grants it in a way which the legislation does not permit;
  - (i) without a previous agreement on the amount of the wage<sup>6</sup> or pay<sup>7</sup> deductions, makes deductions from the employee's wage<sup>6</sup> or pay<sup>7</sup>, other than the prescribed ones;
  - (j) fails to grant an emergency work recompense<sup>42</sup> to an employee or fails to grant its full amount;
  - (k) fails to create the prescribed conditions for achieving the set work output rates<sup>43</sup>, although he is under an obligation to do so under a specific legal provision;
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(l) remunerates an underage employee<sup>3</sup> in contravention of Article 166, Paragraph 2, of the Labour Code;  
(m) fails to remunerate<sup>44</sup> an employee for carrying out work under an agreement to perform work outside a labour relation.

(2) For an administrative offence under Paragraph 1 –

(a) letters (a) and (j), a fine as high as CZK 500,000 may be imposed;  
(b) letters (d), (e), (h) and (k), a fine as high as CZK 1,000,000 may be imposed;  
(c) letters (b), (c), (f), (g), (i), (l), and (m), a fine as high as CZK 2,000,000 may be imposed.

**Article 27**  
**Administrative Offences Committed by Legal Persons**  
**in Respect of Compensations**

(1) A legal person shall be considered guilty of an administrative offence in respect of compensations if it fails to grant a wage<sup>6</sup> or a pay<sup>7</sup> compensation to an employee or to reimburse the expenses the employee has incurred in connection with work carried out, although it is under an obligation to do so pursuant to a specific legal provision.

(2) A fine as high as CZK 200,000 may be imposed for an administrative offence under Paragraph 1.

**Article 28**  
**Administrative Offences Committed by Legal Persons**  
**in Respect of Working Hours**

(1) A legal person shall be considered guilty of an administrative offence in respect of working hours if it -

(a) fails to establish working hours for individual employees in conformity with their work regime or fails to respect the established duration of work shifts, although he is under an obligation to do so pursuant to a specific legal provision<sup>45</sup>.  
(b) fails to ensure the conditions required in case of irregular work schedules, although he is under an obligation to do so pursuant to a specific legal provision<sup>46</sup>;  
(c) has introduced flexible working hours<sup>47</sup> without creating the necessary conditions for practicing such hours;  
(d) considers work obstacles arising from the adoption of flexible working hours as the employee's fault, in contravention of the specific legal provision<sup>48</sup>;  
(e) fails to establish the beginning and the end of the working hours and the schedule of work shifts;

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- (f) when assigning work shifts, fails to take into consideration the needs of employees who take care of children;
  - (g) fails to provide meal, rest and safety breaks for employees;
  - (h) has lunch and rest breaks calculated for types of work which may not be interrupted;
  - (i) fails to ensure to his employees work schedules that allow of a fixed uninterrupted rest period between two shifts, although he is under an obligation to do so pursuant to a specific legal provision<sup>49</sup>;
  - (j) makes employees work on days of rest in cases other than the prescribed ones<sup>50</sup>;
  - (k) considers holidays, incorrectly, as working days;
  - (l) fails to ensure work schedules that allow an employee to have a fixed uninterrupted rest during the week, although he is under an obligation to do so pursuant to a specific legal provision<sup>51</sup>;
  - (m) fails to maintain a record of the hours worked, although he is under an obligation to do so pursuant to a specific legal provision<sup>52</sup>;
  - (n) orders his employees to be prepared for emergency work in contravention of Article 95 of the Labour Code, the Collective Agreement or with the Act on Working Hours and Times of Rest of Transport Employees Working Irregular Hours<sup>45</sup>;
  - (o) makes his employees work overtime, in contravention with Article 96, Paragraph 1, of the Labour Code;
  - (p) makes his employees take on more overtime work than is envisaged in the weekly or annual frameworks established by the Labour Code;
  - (q) requires or creates conditions for extra work to be carried out which exceeds the limits envisaged by the Labour Code;
  - (r) violates the interdiction to assign overtime work to pregnant employees or female employees taking care of children younger than one year of age;
  - (s) assigns overtime work<sup>53</sup> to underage employees<sup>3</sup>;
  - (t) assigns night work<sup>54 55</sup> to underage employees<sup>3</sup>, except in the cases where this forms part of their vocational training;
  - (u) fails to ensure that an employee's night working hours do not exceed the established limit, although he is under an obligation to do so pursuant to a specific legal provision<sup>54</sup>;
  - (v) fails to ensure that an employee working at night is treated by a physician in the prescribed cases<sup>56</sup>;
  - (w) fails to reach an agreement with the appropriate trade union body or with the representative for safety and health at work on issues related to safety and health at work and the organisation of night work;
  - (x) fails to provide a first-aid kit and ensure the means of accessing emergency medical assistance at a workplace where night work is carried out.
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(2) In the event of an administrative offence under Paragraph 1 –

- (a) subparagraphs (c), (d), (f) and (w), a fine as high as CZK 300,000 may be imposed;
- (b) subparagraphs (m), (n), (u) and (x), a fine as high as CZK 400,000 may be imposed;
- (c) subparagraphs (g), (i), (j), (k), (l), (q), (r), (t) and (v), a fine as high as CZK 1,000,000 may be imposed;
- (d) subparagraphs (a), (b), (e), (h), (o), (p), and (s), a fine as high as CZK 2,000,000 may be imposed.

### **Article 29**

#### **Administrative Offences Committed by Legal Persons in Respect of Holidays**

(1) A legal person shall be considered guilty of an administrative offence in respect of holidays in case it violates prescribed obligations concerning the length of annual holidays, to granting holidays for days worked and granting supplementary or other holidays, to using holidays or fixing their beginning.

(2) A fine as high as CZK 200,000 may be imposed for an administrative offence under Paragraph 1.

### **Article 30**

#### **Administrative Offences Committed by Legal Persons in Respect of Labour Safety**

(1) A legal person shall be considered guilty of an administrative offence concerning labour safety if he -

- (a) fails to ensure, in the event of a likely life or health hazard, the safety of persons who are present at their workplaces with his knowledge;
- (b) fails to perform his duty to provide information as prescribed by Article 132, Paragraph 4, of the Labour Code;
- (c) fails to ensure cooperation with other persons at the same workplace and the protection of both persons' employees;
- (d) transfers expenditure related to ensuring safety and health at work to the employees;
- (e) fails to ensure the adoption of measures necessary to prevent risks, although he is under an obligation to do so pursuant to a specific legal provision<sup>36</sup>;
- (f) fails to perform his duties with respect to ensuring safety at work as set forth by Article 133 of the Labour Code;
- (g) fails to provide, free of charge, personal protection devices, working clothing and footwear, washing, cleaning and disinfection products or prescribed drinks, although he is under an obligation to do so pursuant to a specific legal provision<sup>57</sup>;
- (h) fails to perform his obligations to maintain personal protection devices in good condition or fails to control their use;
- (i) fails to place safety signs or install signals, although he is under an obligation to do so pursuant to a specific legal provision<sup>58</sup>;



- (j) fails to investigate the causes and circumstances of an occupational injury, although he is under an obligation to do so pursuant to a specific legal provision<sup>10</sup>;
  - (k) fails to make a record of an occupational injury or to maintain a documentation of the required scope, although he is under an obligation to do so pursuant to a specific legal provision<sup>10</sup>;
  - (l) fails to submit the record of an occupational disaster to the injured person or, in the event of a lethal end, to his relatives;
  - (m) fails to maintain a record of occupational injuries of the required scope, although he is under an obligation to do so pursuant to a specific legal provision<sup>10</sup>;
  - (n) fails to announce an occupational injury and report it to the appropriate bodies and institutions<sup>10</sup>;
  - (o) fails to adopt measures to avoid recurrent occupational injuries;
  - (p) fails to maintain records of persons who have been recognised as suffering from an occupational disease;
  - (q) fails to perform his duties concerning the workplace and the working environment as established by Article 134 of the Labour Code and the Government Decree establishing further requirements for the safe operation and use of machines, technological equipment, tools and instruments<sup>59</sup>;
  - (r) fails to perform his duty to ensure that the production and working instruments and equipment used are in good condition as required by Article 134a of the Labour Code;
  - (s) fails to perform his duties concerning the organisation of work and work operations as set forth in Article 134e of the Labour Code, the Government Decree establishing the employer's obligations in organising work and work operations in cattle breeding<sup>60</sup>, the Government Decree establishing the employer's obligations in organising work and work operations in forestry and similar work sites<sup>61</sup>, and the Government Decree establishing the employer's obligations in organising work and work operations in running transport vehicles<sup>62</sup>;
  - (t) fails to recognise the right of employees to refuse to do work on the grounds that it poses an immediate major hazard to their lives or health or to the lives and health of other persons;
  - (u) assigns minors<sup>3</sup> to work during whose performance they are exposed to an enhanced risk of injury or may pose a major threat to the lives and health of other employees or other natural persons;
  - (v) denies the right of trade union bodies to exercise control over the state of safety and health protection at work in the scope established by Article 136 of the Labour Code;
  - (w) fails to recognise employees' right to participate in the decision-making concerning safety and health at work, although he is under an obligation to do so pursuant to a specific legal provision<sup>34</sup>;
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(x) fails to ensure respect at the workplace of the prohibition to consume alcoholic drinks or abuse other addictive substances.

(2) In the event of an administrative offence under Paragraph 1 -

(a) subparagraphs (b), (c), (v), (w) and (x), a fine as high as CZK 300,000 may be imposed;

(b) subparagraphs (l), (m), (n) and (p), a fine as high as CZK 400,000 may be imposed;

(c) subparagraphs (a), (g), (j), (k), (q), (r), (s) and (t), a fine as high as CZK 1,000,000 may be imposed;

(d) subparagraphs (d), (e), (f), (h), (i), (o) and (u), a fine as high as CZK 2,000,000 may be imposed.

### **Article 31**

#### **Administrative Offences Committed by Legal Persons in Respect of Employees Working in Specific Conditions**

(1) A legal person shall be considered guilty of an administrative offence concerning employees working in specific conditions if it -

(a) fails to transfer to a different workplace a pregnant employee, an employee within nine months after giving birth to a child or a nursing employee, although he is under an obligation to do so pursuant to a specific legal provision;

(b) commits a breach of the procedure by sending on a business trip a pregnant employee, an employee taking care of a child or an employee who has furnished a proof of taking care, predominantly single-handed and on a long-term basis, of a predominantly or completely helpless natural person or a breach of the transfer procedure set forth in Article 154 of the Labour Code;

(c) fails to meet the obligation to comply with the request of an employee taking care of a child younger than 15 years of age, a pregnant employee or an employee, who has furnished a proof of taking care, predominantly single-handed and on a long-term basis, of a predominantly or completely helpless natural person, for shorter working hours or for another suitable arrangement in respect of the working hours, although no serious management-related considerations prevent him from complying with such requests;

(d) refuses to grant a maternal or paternal leave or grants such a leave in contravention of Articles 157-160 of the Labour Code;

(e) refuses to grant a break for nursing to a mother or grants such a break in contravention of Article 161 of the Labour Code;

(f) engages an underage employee<sup>3</sup> to do unsuitable work in contravention of Article 165 of the Labour Code;

(g) fails to ensure that an underage employee<sup>3</sup> undergoes a medical examination in the cases set forth in Article 168, Paragraph 1, of the Labour Code;

(h) fails to take into account medical conclusions when employing minors<sup>3</sup>.

(2) In the event of an administrative offence under Paragraph 1 -

- (a) subparagraphs (c) and (h), a fine as high as CZK 300,000 may be imposed;
- (b) subparagraphs (b), (d), and (g), a fine as high as CZK 500,000 may be imposed;
- (c) subparagraphs (a), (g), (j), (k), (q), (r), (s) and (t), a fine as high as CZK 1,000,000 may be imposed;
- (d) subparagraphs (a), (e) and (f), a fine as high as CZK 1,000,000 may be imposed.

### **Article 32**

#### **Administrative Offences Committed by Legal Persons in Respect of Technological Equipment Posing an Enhanced Life and Health Hazard**

(1) A legal person shall be considered guilty of an administrative offence in respect of technological equipment posing an enhanced life and health hazard if it fails to ensure that technological equipment indicated in specific legal provisions<sup>63</sup> as posing an enhanced safety and health hazard is only operated by persons who are medically fit and, above all, professionally qualified

(2) In the event of an administrative offence under Paragraph 1, a fine as high as CZK 2,000,000 may be imposed.

### **Article 33**

#### **Administrative Offences Committed by Legal Persons in Respect of Specified Technological Equipment**

(1) A legal person shall be considered guilty of an administrative offence in respect of specified technological equipment if it –

- (a) fails to ensure that inspections, revisions or tests of the operation of specified technological equipment<sup>65</sup> are carried out within the full scope of the authorisation or approval, granted by the state technological control organisation<sup>64</sup>;
- (b) carries out, without any authorisation or approval by the state technological control organisation<sup>64</sup>, inspections, revisions or tests of the operation of specified technological equipment<sup>65</sup> in the instances prescribed;
- (c) fails to abide by the time-limit established for eliminating the shortcomings identified in the course of inspections.

(2) In the event of an administrative offence under Paragraph 1 -

- (a) subparagraphs (c), a fine as high as CZK 1,000,000 may be imposed;
- (b) subparagraphs (b), a fine as high as CZK 2,000,000 may be imposed;

(c) subparagraphs (a), a fine as high as CZK 2,000,000 may be imposed, as well as an interdiction on the activity practiced and a withdrawal of the authorisation granted by the organisation of state technological control.

#### **Article 34**

### **Administrative Offences Committed by Legal Persons in Respect of Artistic, Cultural, Sports and Advertising Activities**

(1) A legal person shall be considered guilty of a breach of the legislation concerning artistic, cultural, sports and advertising activities if it enables a child to engage in such activities without permission or if it fails to abide by the conditions of the permission.

(2) In the event of an administrative offence under Paragraph 1, a fine as high as CZK 2,000,000 may be imposed.

### **Common Provisions on Breaches of the Legislation and Administrative Offences**

#### **Article 35**

(1) Breaches of the legislation and administrative offences under this Act shall at first instance be dealt with by the inspectorates; in the cases where the Office exercises control, it shall be the Office that deals with such breaches and offences.

(2) The provisions on the responsibility and recourse of legal persons shall apply to proceedings concerning the responsibility of natural persons for actions resulting from their entrepreneurial activities or directly related to these<sup>66</sup>.

(3) A fine may not be imposed on a legal person for an administrative offence if for the same offence a fine or another material sanction has already been imposed by another body pursuant to a specific legal provision<sup>67</sup>.

#### **Article 36**

(1) When determining the amount of the fine to be imposed on a legal person, its proportions, the gravity of the administrative offence and, in particular, the manner in which it has been committed shall be taken into account, as well as its impact and the circumstances in which it has been committed.

(2) A legal person shall be absolved from responsibility for an administrative offence after a year has expired from the instigation of the proceedings, but, at the latest, 3 years after the day on which the offence was committed.

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<sup>66</sup> Article 2, Paragraph 2, of the Commercial Code

<sup>67</sup> For instance, Article 44 of the Accountancy Rules Act Modifying Some Other Related Acts (Accountancy Rules, No. 218/2000 Coll.), as amended by subsequent legislation.

## **Article 37**

- (1) Fines shall be collected and exacted by the respective territorial financial body<sup>68</sup>.
- (2) The collection and exaction of fines shall be effected in conformity with a specific legal provision<sup>69</sup>.
- (3) A fine shall become revenue of the state budget.

## **PART FIVE**

### **COMMON, TRANSITIONAL AND FINAL PROVISIONS**

#### **Common Provisions**

### **Article 38**

#### **The Competence of the Ministry**

The Ministry shall –

- (a) approve the annual schedule of control activities [Article 4, Paragraph 1(c)];
- (b) coordinate control priorities and cooperate for the purpose with public health surveillance bodies;
- (c) be empowered to determine the scope and number of control actions in cases requiring specific approach;
- (d) review first-instance administrative decisions issued by the Office;
- (e) collect and discuss suggestions by the appropriate trade union bodies and employers' organisations concerning control under this Act;
- (f) be the body superior to the Office in matters of organisation of public service and employment relations of public officials.

### **Article 39**

#### **Inspectors' Certificates**

The format of and procedure for obtaining inspectors' certificates under Article 4, Paragraph 1(f) shall be determined by the Ministry through a Decree.

#### **Control Activities**

### **Article 40**

(1) The inspectorates and the Office shall be authorised, exceptionally, to recruit a specialist to participate in the performance of a control activity. The above-mentioned specialist may not be personally biased against or in favour of the controlled person; he shall participate in the control activity by assisting the inspector; he may not have access to sensitive information<sup>37</sup> and shall be bound to maintain silence concerning the facts which he

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<sup>68</sup> Article 1, Paragraph 1(e), of the Territorial Financial Bodies Act (No. 531/1990 Coll.), as amended by subsequent legislation.

<sup>69</sup> Taxes and Duties Administration Act (No. 337/1992 Coll.), as amended by subsequent legislation.

has come to know during the inspection, even after he has finished working for the respective inspectorate or for the Office.

(2) The controlled person shall enable the specialist to participate in the performance of the control activity together with the inspector.

#### **Article 41**

(1) The controlled person may request in writing a review of the control report, not later than five working days from the date on which he/it becomes familiar with the report [Article 8 (h)], unless the inspector sets a longer time-limit. The inspector shall review the control report and shall notify the controlled person of the result in writing.

(2) The controlled person may submit to the Chief Inspector objections to the conclusions made in the control report within 15 working days from the day on which he was notified of the results and the Chief Inspector shall make a decision with respect to these objections; if the control activity has been performed by the Office, it is the Inspector General who shall make the decision on the objection.

(3) A decision on objections under Paragraph 2 may lead to modifying or cancelling the conclusions made in the review of the control report or else the objections may be rejected. Should the conclusions made in the review of the control report be cancelled, the Chief Inspector or the Inspector General (if the control had been accomplished by the Office) shall ensure that the case is duly examined.

(4) No further objections may be submitted against a decision made under Paragraph 3.

(5) The person who is to make the decision on the objections to the review of the conclusions made in the control report may, on important grounds, condone a failure to abide by the time-limit under Paragraph 2 if a request to this effect is made within three working days from the day on which the reason for the delay has ceased to exist and the objections are submitted together with the request.

#### **Article 42**

(1) The natural person whose fault it is that the controlled person has failed in his/its duties under Article 9 shall be liable to an administrative fine as high as CZK 50,000; an administrative fine may also be imposed for failure to meet obligations under Article 6, Paragraph 2, sentence two.

(2) An administrative fine may be imposed again if the obligations have not been fulfilled within the newly set time-limit; this does not apply in the case referred to in Paragraph 1, in the section of the sentence which comes after the semi-colon.

(3) The proceedings to impose an administrative fine may be initiated one month at the latest from the day of the failure to implement the obligation, otherwise the possibility to impose such a fine shall cease to exist.

(4) An administrative fine shall become revenue of the state budget.

### **Article 43**

(1) Expenses arising from the exercise of control by an inspectorate shall be borne by the inspectorate, and where control is exercised by the Office, it is the Office that shall assume the expenses.

(2) Expenses arising from the exercise of control over the controlled person shall be borne by the said person. The controlled person shall be reimbursed for control samples [Article 7, Paragraph 1, Subparagraph (g), Item 2] collected for inspection purposes by the inspectorate or by the Office (if the Office has carried out the inspection) through a remittance amounting to the price at which the controlled person currently sells materials, substances or products on the market or to the price at which they were acquired<sup>70</sup> if a request for reimbursement is made within six calendar months from the day on which the samples were collected; otherwise the right to reimbursement ceases to exist. The controlled person shall be reimbursed for expenses arising from the exercise of the inspector's rights under Article 7, Paragraph 1(m), if the controlled person submits a claim to that effect, by the inspectorate or by the Office (in case the inspection has been carried out by the Office). The submission of claims and the extinction of rights are regulated by the second sentence of this paragraph.

(3) Responsibility for damages suffered by the controlled person and resulting from the exercise of control shall be regulated by a special legal provision<sup>71</sup>.

### **Article 44**

Unless provided otherwise in this Act, the procedure for the exercise of control under this Act falls under the regulation of Part Three of the State Control Act<sup>72</sup>.

### **Article 45**

For the purposes of this Act, the “workplace of the controlled person” shall mean the premises designed to be used or habitually used for the activity exercised by the controlled person. “Activity of the controlled person” shall be understood to mean organising production or providing services, or practicing other activities under specific legal provisions.

## **Transitional Provisions**

### **Article 46**

Inspections and administrative proceedings initiated by the labour safety inspectorates, the Czech Office for the Safety of Labour, the labour offices or the Ministry before the day of entry into force of this Act shall be carried out in conformity with the existing legal provisions within inspectorates' competences, if the inspection and the administrative proceedings have been initiated by a labour safety inspectorate or a labour office, and within the competence of the Office, if the inspection and the administrative proceedings have been initiated by the Czech Office for the Safety of Labour or by the Ministry.

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<sup>70</sup> The Price Act (No. 526/1990 Coll.), as amended by subsequent legislation.

<sup>71</sup> Act No. 82/1998 Coll. on Liability for Damage Caused in the Exercise of Public Authority through a Decision or a Faulty Administrative Procedure and on the Amendment of Act No. 358/1992 Coll. of the Czech National Assembly on Notaries and their Activities (Notarial Procedure), as amended by subsequent legislation.

<sup>72</sup> The State Control Act (No. 552/1991 Coll.), as amended by subsequent legislation.

## Article 47

(1) The exercise of rights and obligations arising from the labour law relations of the employees in the Czech Office for the Safety of Labour shall be transferred to the Office<sup>73</sup>.

(2) The exercise of rights and obligations arising from the labour law relations of the employees of the labour safety inspectorates shall be transferred from –

- (a) the Labour Safety Inspectorate for the capital of Prague to the Inspectorate for the capital of Prague<sup>73</sup>;
- (b) the Labour Safety Inspectorate for Středočeský region to the Inspectorate for Středočeský region<sup>73</sup>;
- (c) the Labour Safety Inspectorate for Jihočeský region and Vysočina to the Inspectorate for Jihočeský region and Vysočina region<sup>73</sup>;
- (d) the Labour Safety Inspectorate for Plzeňský and Karlovarský region to the Inspectorate for Plzeňský region and Karlovarský region<sup>73</sup>;
- (e) the Labour Safety Inspectorate for Ústecký region and Liberecký region to the Inspectorate for Ústecký region and Liberecký region<sup>73</sup>;
- (f) the Labour Safety Inspectorate for Královéhradecký region and Pardubický region to the Inspectorate for Královéhradecký region and Pardubický region<sup>73</sup>;
- (g) the Labour Safety Inspectorate for Jihomoravský region and Zlínský region to the Inspectorate for Jihomoravský region and Zlínský region<sup>73</sup>;
- (h) the Labour Safety Inspectorate for Moravskoslezský region and Olomoucký region to the Inspectorate for Moravskoslezský region and Olomoucký region<sup>73</sup>.

(3) The exercise of rights and obligations of the Czech Office for the Safety of Labour shall be transferred to the Office. The exercise of rights and obligations of the labour safety inspectorates shall be transferred to the inspectorates in conformity with Paragraph 2.

(4) The exercise of rights and obligations arising from the labour law relations of the employees of the labour offices, within the scope of whose working tasks falls control of compliance with the obligations deriving from labour law provisions, with the exception of the labour law provisions on employment and labour law provisions on the protection of employees in the event of the employer's insolvency, shall, as of the day of 1 July 2005, be transferred from the labour offices to the inspectorates as provided in Paragraph 2. In accordance with the above sentence, each labour office shall reach an agreement with its employees as to the inspectorates to which the exercise of the rights and obligations arising from their labour law relations shall be transferred.

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<sup>73</sup> Article 251c of the Labour Code.

<sup>74</sup> Article 27, Paragraph 4, of the Labour Code, as amended by subsequent legislation.



(5) On the basis of agreements reached under Paragraph 4, the labour offices shall effect a delimitation of their employees pursuant to Paragraph 4, sentence one, to the inspectorates indicated in Paragraph 2. The delimitation thus effected shall be binding.

(6) Should no agreement be reached under Paragraph 4 by 30 April 2005 at the latest, the Ministry, at the suggestion of the director of the office, shall establish the numbers and rules of the delimitation of the employees of the labour offices to the inspectorates indicated in Paragraph 2.

#### **Article 48**

Until such time as the Public Service Act enters into force in its entirety, the Inspector General and the Chief Inspectors shall be appointed and released from office by the Minister of Labour and Social Affairs<sup>74</sup>; the Minister shall appoint the Chief Inspectors and release them from office after consultation with the Inspector General.

### **Final Provisions**

#### **Article 49**

The Czech Office for the Safety of Labour and the labour safety inspectorates shall hereby be abolished.

#### **Article 50**

This Act shall enter into force on the day of 1 July 2005, with the exception of the provisions of Article 47, Paragraphs 4-6, which shall enter into force on the day on which the Act is made public.

**Zaorálek**

**Paroubek**

**Designations, seats and scope of the regional labour inspectorates**

1. The Regional Labour Inspectorate for the capital of Prague has its seat in Prague and is competent to exercise its authority in the capital of Prague;
2. The Regional Labour Inspectorate for Středočeský region has its seat in Prague and is competent to exercise its authority in Středočeský region;
3. The Regional Labour Inspectorate for Jihočeský region and the region of Vysočina has its seat in České Budějovice and is competent to exercise its authority in Jihočeský region and the region of Vysočina;
4. The Regional Labour Inspectorate for Plzeňský region and Karlovarský region has its seat in Plzeň and is competent to exercise its authority in Plzeňský region and Karlovarský region;
5. The Regional Labour Inspectorate for Ustecký region and Liberecký region has its seat in Ústí nad Labem and is competent to exercise its authority in Ustecký region and Liberecký region;
6. The Regional Labour Inspectorate for Královéhradecký region and Pardubický region has its seat in Hradec Králové and is competent to exercise its authority in Královéhradecký region and Pardubický region;
7. The Regional Labour Inspectorate for Jihomoravský region and Zlínský region has its seat in Brno and is competent to exercise its authority in Jihomoravský region and Zlínský region;
8. The Regional Labour Inspectorate for Moravskoslezský region and Olomoucký region has its seat in Ostrava and is competent to exercise its authority in Moravskoslezský region and Olomoucký region.