

# What to do if an employee falls ill and needs sick leave

## BASIC RULES

- An employee who becomes ill (or has an injury that requires them to stay at home) should see their GP as soon as possible and ask for a sick note to be issued.
- After it has been issued (or, in exceptional cases, even retrospectively), **the employer pays compensations until the 14th day of incapacity.**
- **The compensation is 60 percent of the reduced average earnings.** Only working days and, where applicable, holidays on which the employee's working day would otherwise fall shall be reimbursed. The amount of compensation depends on the average earnings of the employee in the preceding quarter.
- Since January 2020, the original paper version has been replaced by the electronic sick note (eNeschopenka), which facilitates the transfer of information between doctors, employers and the Czech Social Security Administration.
- Thanks to the introduction of eNeschopenka, **the employee does not have to hand over any papers proving incapacity to the employer. However, there is an obligation to inform** the employer of the occurrence of temporary incapacity for work.
- The doctor issues 3 forms for the sick employee. The first and the third electronically and both are sent to the Social Security Administration (the employer receives a notification of the sick leave issued).
- The sick employee receives the second form in hard copy from the doctor and should keep it in case of inspection by the Social Security Administration.
- The employee should inform the employer of his/her condition without undue delay. He/she may use the telephone or SMS, but an e-mail confirming receipt of the message from the employer is recommended.
- From the 15th day of incapacity for work, the sick person is entitled to sickness insurance benefits.
- After 14 days of sick leave have elapsed, **the employer therefore sends an attachment to the Social Security Administration electronically with the sick leave application**, indicating where the employee's wages are paid.
- **The law does not set a specific day of the month for payment of sick pay.** The time limit for payment is a maximum of 30 days from the time the employer delivers the relevant information to the Social Security Administration. Thereafter, sick pay is paid in a similar way to wages/salary – always for the given month.
- **The amount of sick pay is calculated from the daily basis of assessment.** Sick pay is also paid at weekends and on public holidays. The basis of assessment is calculated as the average daily income over the last 12 calendar months, less the reduction thresholds which change annually.
- Sickness insurance is part of the automatic social security contributions from employees' wages, starts on the date of commencement of employment and ends on the date of termination of employment.
- Employees working under agreements for work outside the employment relationship may also be entitled to sickness insurance under certain conditions.
- Self-employed persons can pay for their own sickness insurance and participation in sickness insurance is therefore voluntary. However, if they do not pay it, they are not entitled to the benefits covered by it.
- A sick employee can receive sick pay for a maximum of 380 calendar days from the first day of incapacity for work.
- In the event of long-term sickness, it is possible to apply to the Social Security Administration for an extension of the aforementioned period. If such a request is approved, the period may be extended repeatedly for up to three months. **However, the resulting extension may not exceed 350 days.**
- **The decision to terminate sick leave is made by the attending physician.** This is usually when the patient's health improves but may also be done when the patient fails to attend a scheduled check-up or examination without good reason.
- The physician again enters the termination into the system electronically.



## CHECKS OF THE EMPLOYEE'S SICK LEAVE OBLIGATIONS

- The sick person is obliged to follow the regime set by the attending physician and must not exceed the time of permitted walks.
- Leaves must not exceed 6 hours per day. They may be divided into several shorter intervals. However, some patients will not be granted any leaves at all – it always depends on the patient's condition and the doctor's judgement.
- The time slot for leaves ranges from 7 am to 7 pm and the specific time is determined by the attending physician.
- Compliance with this regime is subject to checks. For the first 14 days they are carried out by the employer, and from the 15th day by the Czech Social Security Administration. The Social Security Administration inspector must present an ID with his or her photo.
- If the employee cannot be reached when he or she was supposed to be at home, he or she must present a certificate of medical treatment from the time of the check or provide other relevant justification.
- A visit to the pharmacy or shopping is not considered a relevant justification.
- If the sick person cannot provide justification or explanation for not following the prescribed regimen, he/she may be penalised by the Social Security Administration and the employer, and in extreme cases the employee may be summarily dismissed.

## PROCEDURE IN CASE OF INFECTION WITH COVID-19

- When an employee is quarantined (for example, in the case of contracting covid-19), the employee receives compensation from the first day of the quarantine.
- In the first two weeks, the employer pays the compensation and the person should receive 60% of their reduced average earnings.
- When an employee is quarantined for more than 14 calendar days, the Social Security Administration pays the employee from the 15th day of the quarantine in the same way as if the employee were on temporary disability.

