



Prague, 5 January 2022

Ref. No.: MZDR 461/2022-1/MIN/KAN

MZDRX01IWP6E

EXTRAORDINARY MEASURE

The Ministry of Health, as the competent administrative authority, pursuant to Section 80(1)(g) of Act No. 258/2000 Coll., on Public Health Protection and on the amendment of certain related acts, as amended, and Section 2(1) of Act No. 94/2021 Coll., on Extraordinary Measures during the COVID-19 Disease Epidemic and on the amendment of certain related acts, **orders** this Extraordinary Measure, proceeding pursuant to Section 69(1)(i) and (2) of Act No. 258/2000 Coll., and pursuant to Section 2(2)(b) of Act No. 94/2021 Coll., in order to protect the population against the further spread of the COVID-19 disease caused by the novel SARS-CoV-2 coronavirus:

I.

1. All employers are ordered pursuant to Section 2(2)(m) of Act No. 94./2021 Coll., to ensure the regular testing of all their employees, unless stipulated otherwise under point 2, to determine the presence of the SARS-CoV-2 virus antigen, performed on the workplace using a rapid antigen test (RAT) designated for self-testing (use by non-professionals) at a frequency of twice per week, so that the next testing of the employee takes place at earliest three days after the previous testing. If an employee is not present at the employer's workplace on the date of testing, the preventive testing of this employee will be performed on the date he/she comes to the workplace.
2. All employees are ordered pursuant to Section 2(2)(m) of Act No. 94/2021 Coll., at the request of the employer, to take a rapid antigen test to determine the presence of the SARS-CoV-2 virus antigen at the stipulated frequency, unless stipulated otherwise in Art. V or unless it is an employee who, given the nature of the work, does not encounter in their workplace third persons who are not considered to be persons living in the same household or does not perform work in the workplace.
3. If the employee refuses to take a test pursuant to point 2, the employer is ordered to report this fact without undue delay to the locally competent public health protection authority, in whose district the employer operates its activity. An employee who refuses to take a test under point 2 is ordered:
 - a) to wear a class FFP2 respirator or other similar protection of the airways (always without an exhalation valve) meeting minimally all the technical conditions and requirements (for the product), including a filtration efficacy of at least 94% pursuant to the applicable standards (hereinafter an "FFP2 class respirator") for the duration of their presence in the workplace,
 - b) to maintain a distance of at least 1.5 m from other persons, if possible given the nature of their work, and
 - c) to eat meals separately from other persons; they are not obliged to wear protection of the airways while consuming meals.

The employer is obliged to ensure the restriction of encounters between this employee and other persons during their presence in the workplace to the necessary degree by means of an organizational measure.

II.

In this Extraordinary Measure:

- a) employer also means
 - i) an employer of an employee under Section 303(1) of the Labor Code, including an organizational unit of the state, which exercises the rights and obligations of an employer vis-a-vis the employee under Section 303(1) of the Labor Code, and local government units,
 - ii) civil service office in the case of state employees,
 - iii) security corps in the case of members of the security corps, and
 - iv) the Army of the Czech Republic, Military Office of the President of the Republic, the Castle Guard or Ministry of Justice in the case of professional soldiers,
 - v) the court in the case of judges who are assigned or temporarily assigned to it,
- b) employee also means
 - i) a state employee,
 - ii) a member of the security corps,
 - iii) a professional soldier,
 - iv) a judge,
 - v) a state prosecutor,
 - vi) a temporary allocated labor agency employee and
 - vii) a volunteer and
 - viii) a person who is present in the employer's workplace for the purpose of participating in its activity and who is not subject to the testing obligation with another employer or pursuant to the provisions of this Extraordinary Measure (e.g. a person preparing to perform an occupation or undergoing work training),
- c) employer's workplace refers to the space designated to perform work or service tasks, except for remote work.

III.

1. All self-employed persons performing their primary self-employment in the Czech Republic are ordered, pursuant to Section 69(1)(i) of Act No. 258/2000 Coll., to take a rapid antigen test (RAT) designated for self-testing (use by non-professionals) to determine the presence of the SARS-CoV-2 virus antigen at a frequency of twice per week, so that the next testing takes place at the earliest on the third day after the previous testing, unless stipulated otherwise in Art. V.
2. A self-employed person is not obliged to undergo testing pursuant to point 1 if they do not meet third persons who are not considered persons living in the same household at the place where they perform work.

IV.

1. All persons who are a body or member of a body of a legal entity, unless they are employees of that legal entity, are hereby ordered, pursuant to Section 69(1)(i) of Act No. 258/2000 Coll., to undergo a rapid antigen test (RAT) for the presence of the SARS-CoV-2 antigen for self-testing (use by non-professionals) at a frequency of twice a week, so that the next testing takes place at earliest on the third day after the previous testing, unless stipulated otherwise in Article V.

2. A person referred to in point 1 shall not be required to undergo the testing referred to in point 1 if they do not meet third parties, other than persons living in the same household, at the place where they perform their activities.
3. Testing of the persons referred to in point 1 shall be ensured pursuant to Section 69(1)(i) of Act No. 258/2000 Coll. by the legal entities of which such persons are a body or member of a body.

V.

1. The obligation to undergo preventive testing pursuant to Art. I, III, IV or VIII does not apply to a person who:
 - a) has taken an RT-PCR test for the presence of the SARS-CoV-2 virus with a negative result in the past 72 hours, or
 - b) has taken a rapid antigen test (RAT) for the presence of the SARS-CoV-2 virus antigen with a negative result, carried out by a healthcare professional, in the past 24 hours, or
 - c) undergoes preventive testing pursuant to this Extraordinary Measure with another employer of which they are an employee, or with another legal entity of which they are a body or member of a body.
2. The employee is obliged to demonstrate the fact under point 1 to the employer:
 - a) by means of a record in the Information System of Infectious Diseases (EU COVID digital certificate) or confirmation issued by a healthcare services provider, or
 - b) written confirmation from the employer or legal entity of which they are a body or member of a body, that they undergo preventive testing with them pursuant to this Extraordinary Measure.The same obligation applies to a person who is a body or member of a body of a legal entity vis-a-vis this legal entity.

VI.

An employer who arranges for its employees to be tested under Article I, a self-employed person who is tested under Article III, and a legal entity who arranges for persons who are its bodies or members of its bodies to be tested under Article IV, are ordered to:

- a) keep a record for inspection purposes of the tests carried out, including: the date of testing, the names of the persons who have undergone the test on that date, including their date of birth, their insurance number and the name of the health insurance company with which they are insured, and the results of the tests, and to keep such records for 90 days,
- b) send to the locally competent public health authority a list of persons who have tested positive, containing the same information as the records referred to in point (a) and the contact telephone number of the person tested, no later than on the day after the testing by means of electronic reporting.

VII.

1. In the event of a positive test result, an employee who has carried out or has been subjected to a test pursuant to Article I or point 3 of this Article shall be ordered pursuant to Section 69(1)(i) of Act No 258/2000 Coll. to immediately notify the employer of their planned absence from the workplace due to suspected SARS-CoV-2 positivity, to leave the workplace and to provide assistance to the locally competent public health authority, which shall order quarantine for a period of five days from the date of the test. Until quarantine is ordered, the employee must wear an FFP2 respirator and avoid contact with other persons, if possible, for a maximum of five days from the date of the test.
2. In the event of a positive test result, a self-employed person and a person who is an body or

member of a body of a legal entity, unless they are an employee of the latter, who has carried out or had a test carried out by a non-professional in accordance with this Extraordinary Measure, shall, pursuant to Article 69(1)(i) of Act No. 258/2000 Coll. be ordered to leave the place where they carry out their activities, unless it is their place of residence, and to provide assistance to the locally competent public health authority, which shall order quarantine for a period of five days from the date of the test. Until such quarantine is ordered, the person must wear an FFP2 respirator and avoid contact with other persons, if possible, for a maximum of five days from the date of the test.

3. The person under points 1 or 2 is ordered to undergo a rapid antigen test for the presence of the SARS-CoV-2 antigen, which they shall perform themselves or be given at the workplace or place of business on the first day on which they are present at the workplace or place of business after the end of the quarantine. The testing of these persons must be ensured by the employer for the employee and by the legal entity for the person who is a body or member of a body thereof.
4. Where a person under point 1 or 2 has undergone testing for the presence of the SARS-CoV-2 virus by the RT-PCR method with a negative result in the period following a positive test result as referred to in Article I, III or IV, the quarantine shall be terminated by the locally competent public health authority.

VIII.

1. The Czech Republic - Prison Service of the Czech Republic (hereinafter the "Prison Service of the Czech Republic") is ordered pursuant to Section 69(1)(i) of Act No. 258/2000 Coll. to ensure the regular testing of all convicts assigned to work within the prison or with an entity other than the prison to determine the presence of the SARS-CoV-2 virus antigen, unless otherwise provided for in point 2, by means of a rapid antigen test (RAT) designed for self-testing (use by non-professionals) before commencing work, at a frequency of twice a week, so that the next testing of the convicted person takes place no earlier than on the third day after the previous testing.
2. All convicts assigned to work are ordered, pursuant to Article 69(1)(i) of Act No. 258/2000 Coll., to undergo a rapid antigen test to determine the presence of the SARS-CoV-2 virus antigen at the specified frequency, unless otherwise provided for in Article V. If the convict is not due to work on the date of the test, their preventive testing shall be carried out on the day on which they are due to work.
3. The Prison Service of the Czech Republic and the convict shall be subject to the other obligations set forth in this Extraordinary Measure for employers and employees, with the proviso that in the event of a positive test result pursuant to points 1 and 2, the prison shall ensure that the convict is separated from infectious convicts.
4. In the event that the convict has undergone RT-PCR testing for the presence of the SARS-CoV-2 virus with a negative result in the period following a positive test result under point 1, the quarantine shall be terminated by the locally competent public health authority.

IX.

If the Ministry of Health, Ministry of Defense or Ministry of the Interior issues an extraordinary measure which imposes similar obligations as those in this Extraordinary Measure on the designated employers and their employees, respectively self-employed persons, but with different rules, then this Extraordinary Measure shall not apply to such employers and employees in the scope of these obligations.

X.

Effective from 12:00 a.m. on 17 January 2022 the following are repealed:

- a) Extraordinary Measure of the Ministry of Health of 20 November 2021, Ref. No. MZDR 42085/2021-1/MIN/KAN.
- b) Extraordinary Measure of the Ministry of Health of 22 November 2021, Ref. No. MZDR 42085/2021-2/MIN/KAN.
- c) Extraordinary Measure of the Ministry of Health of 13 December 2021, Ref. No. MZDR 42085/2021-3/MIN/KAN.

XI.

This Extraordinary Measure takes effect on 17 January 2022.

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Minister of Health