

## MINISTRY OF HEALTH

Prague, 13 May 2020  
Ref. No.: MZDR 20020/2020-1/OVZ

MZDRX01A92X7

### 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 amendments to certain related acts, as amended (hereinafter referred to as "Act No. 258/2000 Coll."), **orders** this Extraordinary Measure, proceeding pursuant to Section 69(1)(i) and (2) of Act No. 258/2000 Coll., in order to liquidate the risk of occurrence of the COVID-19 disease caused by the new SARS-CoV-2 coronavirus:

#### I.

Upon the termination of the state of emergency declared under Government Resolution No. 194 of 12 March 2020, the validity of the affidavit issued based on Czech Government Resolution No. 214 of 15 March 2020 and based on Czech Government Resolution No. 280 of 23 March 2020, replacing the medical assessment for persons seeking employment pursuant to Act No. 373/2011 Coll., on Specific Healthcare Services, as amended,

- a) is extended** for employees whose employment relationship was established after the date the state of emergency was declared, maximally by **90 days** from the day after the termination of the state of emergency, for work classified in the first and second categories pursuant to Act No. 258/2000 Coll., on the Public Health Protection and on the amendment of certain related laws, as amended,
- b) is extended** for employees whose employment relationship was established after the date the state of emergency was declared, maximally by **30 days** from the day after the termination of the state of emergency, for
  - i.** work classified in the second risk, third and fourth work category pursuant to Act No. 258/2000 Coll.,
  - ii.** for work with a risk of harm to health pursuant to Decree No. 79/2013 Coll., on Corporate Medical Services and Certain Types of Evaluative Care, as amended, with the exception of the risks to health specified in Annex No. 2, Part II, points (1) and (5) of Decree No. 79/2013 Coll., or
  - iii.** for work performed pursuant to other legal regulations.

#### II.

For the purposes of this extraordinary measure, work which is not categorized because the conditions set forth in Section 37(1) of Act No. 258/2000 Coll. were not determined is considered to be the work specified in paragraph I(b)(i) of this extraordinary measure.

### III.

By the deadlines pursuant to paragraph I (a) and (b), the corporate medical service provider pursuant to Act No. 373/2011 Coll. or the registered provider for the assessed person, if authorised pursuant to Act No. 373/2011 Coll. or other legal regulations, will perform a preliminary medical examination of the relevant person at the employer's request and issue a medical assessment of their health qualifications to perform work.

### IV.

Upon termination of the state of emergency declared under Government Resolution No. 194 of 12 March 2020:

**a)** the validity of medical assessments to perform work issued on the basis of preliminary medical examinations pursuant to Section 59(1) of Act No. 373/2011 Coll. and pursuant to Section 10 of Decree No. 79/2013 Coll. or pursuant to other legal regulations, or periodical medical examinations pursuant to Section 11 of Decree No. 79/2013 Coll. or other legal regulations, the validity of which expired during the period of the declared state of emergency:

**i. is extended by 90 days** from the day after the termination of the state of emergency, if the outcome of the medical assessment states that the assessed person is medically qualified for the purpose for which they were assessed,

**ii. is extended by 30 days** from the day after the termination of the state of emergency, if the outcome of the medical assessment states that the assessed person is qualified with a condition for the purpose for which they were assessed.

**b)** the validity of medical assessment to perform work issued on the basis of an extraordinary medical examination pursuant to Section 12(2)(e) or (f)(3) of Decree No. 79/2013 Coll., the validity of which expired during the period of the declared state of emergency:

**i. is extended by 90 days** from the day after the termination of the state of emergency, if the outcome of the medical assessment states that the assessed person is medically qualified for the purpose for which they were assessed,

**ii. is extended by 30 days** from the day after the termination of the state of emergency, if the outcome of the medical assessment states that the assessed person is qualified with a condition for the purpose for which they were assessed.

### V.

This extraordinary measure takes effect on the date of its issue.

### Rationale:

The Extraordinary Measure has been issued in connection with the adverse development of the epidemiological situation in terms of the occurrence of the COVID-19 disease, caused by the novel coronavirus designated as SARS-CoV-2 in Europe. Czech Government Resolution No. 214 of 15 March 2020 on the adoption of a crisis measure, which would replace Czech Government Resolution No. 280 of 23 March 2020, under which the government ordered that, during the state of emergency, medical assessments for persons seeking employment pursuant to Act No. 373/2011 Coll. on specific healthcare services, as amended, with employers, whose employment relationship was established after the date of declaring the state of emergency, may be replaced with an affidavit; furthermore, that employees need not take periodical medical examinations pursuant to Section 11 of Decree No.

79/2011 Coll., implementing certain provisions of Act No. 373/2011 Coll., on Specific Healthcare Services (the decree on corporate medical services and certain types of evaluative care), as amended.

This extraordinary measure of the Ministry of Health stipulates that the affidavits issued in accordance with the aforementioned Czech Government Resolutions are valid for a temporary period even after the termination of the state of emergency, so that the employees who are qualified to perform work based on these resolutions do not all suddenly lose this qualification at the moment when the state of emergency ends. Pursuant to Section 103(1)(a) of Act No. 262/2006 Coll., the Labour Code, as amended, the employer is obliged to not permit an employee to perform prohibited work or work that, in terms of its complexity, does not correspond to their abilities and medical qualifications. The law does not allow exceptions.

Another solution would not presently be appropriate even for corporate medical service providers, those currently being primarily the registered healthcare service providers for the assessed persons, nor for the employees or employers.

**Mgr. et Mgr. Adam Vojtěch, MHA**  
Minister for Health

*Signed electronically*