

News Flash

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**Testing Employees for COVID-19
– new rules in the Czech Republic**

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From **17 January 2022**, according to the Extraordinary Measure of the Ministry of Health MZDR 461/2022-1/MIN/KAN (the "**MoH Measure**"), employers are once again obliged to test their employees for COVID-19. The current testing conditions differ only in certain details compared to the last testing, with mandatory bodies being **all employers** (whose circle is not limited by a minimum number of employed persons), together with self-employed persons as well as **bodies and members of the bodies of legal persons** (if they are not also employees of such persons).

Based on the questions of clients and our past experience in the area of testing employees we have prepared answers to most frequent questions in the form of Q&A that also include our recommendations regarding some practical aspects of testing of employees.

From when and how often should the employer test employees?

- According to the MoH Measure, employers are obliged to ensure regular testing of all their employees from **17 January 2022**.
- The test for the presence of SARS-CoV-2 virus antigen is carried out at the workplace **by means of a rapid antigen test intended for self-testing** (used by the general public), which shall be provided by the employer at his own costs.
- The frequency of testing is **twice per week**. Whereas the second testing of the employee must be done not earlier than **3 days** after the prior testing. For an employee who goes to the office 3 times a week (e.g., Tuesday, Wednesday, Thursday) it is sufficient if only 1 testing is performed per week, since if he performs a test on Monday, on Thursday the 3-day gap between testing is not met.
- If the employee is absent for the second testing, the test is carried out on the day of the employee's arrival at the workplace i.e., the first day of his next presence at the workplace.
- For the purposes of testing, an **employee** also means a person temporarily assigned by an employment agency, or a person preparing for their profession or doing an internship.
- The obligation of a legal entity to test employees as well as bodies or members of bodies of legal entities (especially

executives, members of the Board of Directors, etc.) is newly explicitly established in the MoH Measure.

Which employees do not need to be tested?

The following employees are exempt from testing:

- Employees **who do not meet other persons** (with the exception of persons living in the same household) at the workplace due to the nature of their work (i.e., if employees only work from home, they do not need to be tested).
- Employees who have undergone an RT-PCR examination for the presence of the SARS-CoV-2 virus with a negative result in the last **72 hours**;
- Employees who have undergone in the last **24 hours** a rapid antigen test for the presence of SARS-CoV-2 virus, which was performed by a healthcare professional, with a negative result.
- Employees who are tested by another employer according to the above stated rules.

How does the employee prove to the employer that he/she is exempt from testing?

Proof of being tested elsewhere is demonstrated by:

- A record in the **Information system of contagious diseases** (EU Digital COVID Certificate);
- **Written confirmation of the health care provider; or**
- **Written confirmation of the employer or a legal person** of which the body or member of the institution states that the employee is undergoing preventive testing pursuant to this extraordinary measure.

What if an employee refuses to undergo testing?

If an employee refuses to undergo testing:

- The employer must **inform the locally competent public health authority** in whose district the employer performs its activity.
- The employee must, at all times whilst he/she is present at the workplace:
 - ✓ **wear a respiratory protective device**, which is a respirator or similar device (always without an exhalation valve) with a filtration efficiency of at least 94 % according to the relevant standards,
 - ✓ **keep a distance of at least 1.5 m** from other persons, and
 - ✓ **eat separately** from other people. The employee is not required to wear respiratory protective equipment whilst eating.
- The employer is obliged to ensure that the employee's meetings with other persons are limited to the extent necessary.

Is the employer obliged to keep records of testing?

Employers who ensure testing for their employees must keep a record of the tests carried out for record-keeping purposes. This is expressly required by the MoH Measure and may be subject to control by the public health protection authority. The employer is obliged to keep the records for **90 days**.

Extent of the record:

- Date of testing;
- Name of the person who underwent the test;
- Date of birth of the tested employee;
- The tested employee's health insurance number and the name of the health insurance company; and
- Result of the test.

Furthermore, the employer must send in an electronical form a **list of employees who tested positive** to the locally competent public health authority (according to the district) at the latest on the day after the testing occurred. The list must be sent together with the records in the extent of the evidence as mentioned above together with the phone number of the employee who tested positive [via an electronical form, which is filled out in an online application here.](#) [For logging into the online application, the data box of the employer is used or if appropriate NIA is used.](#)

What should be done if the test is positive?

If the result of the employee's rapid antigen test is positive, the following procedure must be followed:

- The employee must immediately **inform the employer** of the planned absence from the workplace due to suspicion of a positive test result;
- The employee must inform the locally competent public health authority which shall order a 5-day quarantine. For the period of this quarantine the employee must wear an FFP2 respirator and avoid contact with other people;
- In general, it is possible to agree, for example, on the performance of work from home, if the employee's health and the nature of his/her work allows it

Who bears the costs of testing?

As was the case with the last compulsory testing of employees, contributions from health

insurance companies towards the testing costs shall be announced online on [this website](#). The entitlement to contribution is applicable to self-employed persons as well members of the bodies of legal persons. We believe that since the company is responsible for testing members of bodies of legal persons and these members have health insurance, the entitlement to this contribution shall be claimed by the company nevertheless, this information wasn't yet confirmed in any official sources. The employer shall apply for the contribution as previously that is via the app on the above-mentioned linked website.

The maximum amount of the contribution shall be CZK 60 incl. VAT per one test. The contribution entitlement shall be provided according to the test frequency as stated in the MoH Measure, i.e., for two tests per week per employee. It may be only applied for those antigen tests approved by State Institute for Drug Control, which were purchased from 1 January 2021. Their list may be found [here](#).

Tests from approved suppliers may be purchased via standard distribution networks, i.e., directly from a distributor (which is the most cost-efficient way for large orders), or in pharmacies.

Does the testing obligation also apply to self-employed persons?

Yes, self-employed persons performing their main self-employed activity in the Czech

Republic are also obliged to undergo a rapid antigen test for self-testing twice a week. Testing is carried out by the self-employed persons themselves, and they also bear the costs of this testing. Exemptions from the testing obligation are the same as for employees, as well as the obligation to start testing from 17 January 2022.

Self-employed persons **must as well keep records** of testing in the same extent as employers. In case of a positive result the self-employed person must:

- Leave the workplace;
- Immediately notify the locally competent public health authority and provide appropriate assistance.

When is it possible for the employee to return to the work?

After being quarantined:

- Positively tested employee or self-employed person must undergo an antigen test at the workplace on their first day back.

After undergoing a confirmative PCR test:

- Positively tested employee or self-employed person voluntarily undergoes a PCR test. In case its negative the locally competent public health authority shall terminate the employee's ordered quarantine.

We shall gladly assist you in case you are unsure of any of the questions regarding testing of employees or in case you would have any further questions or comments

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