

News Flash

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**How to employ refugees from
Ukraine in the Czech Republic?**

How to employ refugees from Ukraine in the Czech Republic?

On 21 March 2022, Law No. 65/2022 Coll. and Law No. and 66/2022 Coll. were promulgated in the Collection of Laws, granting free entry to the Czech labour market to Ukrainian citizens who have fled to the Czech Republic in connection with the conflict in Ukraine.

Which Ukrainian refugees may be employed?

It's possible to **only employ** Ukrainian refugees **with free entry to the Czech labour market**.

What does free entry to the labour market mean?

Free entry to the labour market means, that Ukrainian citizens and their family members which comply with conditions further described may work in the Czech Republic **without any formal restrictions**, i.e. without having to obtain a work permit in advance or the employer having to submit a job position vacancy form beforehand.

The Ukrainian citizen and his family members may work in an employment relationship, as well as on the basis of some of the agreements of performing work outside the employment relationship. Of course, the standard legal conditions must be adhered to, in particular minimal and guaranteed wage, length and schedule of worktime etc.

What conditions must be met for the Ukrainian refugee to have free entry to the Czech labour market?

The Ukrainian refugee must be granted the **temporary protection** (or perhaps the special long-term visa, which was issued at the begging of the war conflict).

Temporary protection (special long-term visa) is marked with a sticker or stamp in the passport.

What is the difference between temporary protection and special long-term visa?

Until the above-mentioned law came into effect, Ukrainian refugees were granted a so-called special long-term visa. Since the effective date of the law, only the so-called visa for the purpose of temporary protection has been granted. According to information from the Ministry of the Interior, however, persons who obtained a special long-term visa before the effective date of the law will be automatically transferred to the temporary protection system, i.e. **without having to take any action**.

Who may be granted the temporary protection?

Temporary protection may be granted:

- To the citizens of Ukraine who travelled to the Czech Republic after 24 February 2022.
- To third-country nationals and stateless persons who were granted international protection or corresponding national protection in Ukraine before 24 February 2022.
- To family members of persons referred to in points 1-2 who stayed together in Ukraine and came to the Czech Republic after 24 February 2022. (*Family member means a spouse, registered partner, unmarried minor child of a person referred to in points 1-2 or unmarried minor child of a spouse of such person, and adult dependent relative living with the family of such person.*)
- To foreigners who were holders of a permanent residence permit in the territory of Ukraine by 24 February 2022 and travelling to their country of origin isn't possible due to the threat of actual danger according to the Act on the Residence of Foreigners.

How to apply for temporary protection?

For the grant of temporary protection it's necessary to file the submission **personally** at one of the District assistance centres for helping Ukraine – the list of these centres according to individual districts may be found [HERE](#).

It's advised that the Ukrainian citizens who don't comply with the above-mentioned conditions to sort out their situation individually at the Department of Asylum and Migration Policy of the Ministry of Interior (contact points [HERE](#)).

Necessary documents to submit for the application:

- a completed [form](#);
- a valid travel document, if the applicant is a holder;
- a document certifying that at least until 24 February 2022 the applicant resided in Ukraine and left the country in consequence of its invasion by Russian Federation's armed forces (for example information in the applicant's passport, confirmation of humanitarian entry or any other document in the name of the applicant proving his/her residence in Ukraine);
- a confirmation of accommodation if not arranged by a crisis management authority
 - if the applicant's accommodation is provided by a natural person, form available [here](#),
 - if the applicant's accommodation is provided by a legal entity, form available [here](#).
- photograph in the format 45 x 35 mm – not necessary but recommended.

What are the obligations of the employer when hiring Ukrainian refugees?

The employer has the following administrative obligations:

Information obligation

- At the latest on the **day of commencement of employment** inform the appropriate Labour office via the form which is available

[here](#), territorial jurisdiction according to place of performance of work about this fact.

- When certain **data of the employee change** (identification data of the foreign national, the number of his/her travel document and the name of the authority that issued it, the reason for the stay, the duration of employment, the categorisation according to CZ-ISCO and CZ-NACE, the address of the place of work).
 - Form available [here](#),
 - Within **10 calendar days** when the change occurred.
- The **employment is terminated**;
 - Form available [here](#),
 - Within **10 calendar days** from termination of employment.

Registration obligation

The employer must have a record of information regarding the foreign employee in the extent:

- foreigner's identification data (forename(s), surname, date of birth);
- address in the country of permanent residence and postal delivery address;
- travel document number and name of the authority that has issued the document;
- type and place of work, and the period for which the employment should be pursued;
- gender of foreigner;
- category according to the Branch Classification of Economic Activities;
- highest educational achievement; education required to perform the occupation;
- period for which the persons have obtained the employment permit (in this case temporary protection), employee card or blue card, an internally transferred employee card for which they have obtained a residence permit;
- dates of the commencement and termination of employment.

Retention of documents

- Retaining the copies of the documents proving the legitimacy of the foreigner's stay in the Czech Republic.
- For the duration of the employment.
- + 3 years after the termination of employment.

Other frequently asked questions in connection to employing Ukrainian refugees

In what language should the employment contract/agreements on work performed outside of the employment be?

In the language that the Ukrainian refugee understands, i.e. ideally a bilingual CZ/UA document.

The same rule applies to any other labour law documents of the employer which the Ukrainian refugee should be acquainted with.

Does the employer have the obligation to retrieve the extract from the Criminal Records for the purpose of employing Ukrainian refugees?

The law nor any other legal regulation **doesn't impose this obligation** upon the employer to retrieve the extract from the Criminal Records for this purpose and Ukrainian refugees are perceived as citizens of the EU.

May the Ukrainian refugee go on business trips in connection to his employment?

In principle the temporary protection which as well means free entry to the labour market **is only applicable in the Czech Republic**, i.e. the holder of the temporary protection may not use this permit to work abroad.

Nevertheless, if the foreigner is posted within the framework of the **Directive regarding posting of workers** by his employer to a different entity for the purpose of performance of provision of services, the necessity to have a permit to perform work doesn't apply to him in the Czech Republic. Nevertheless, it's necessary to comply with **other conditions** according to the Directive regarding posting employees (e.g. information obligation, obligation to ensure certain equal working conditions etc.).

A similar regulation should also be applicable within harmonisation in the whole EU. However,

it's not excluded that some EU countries have made use of the possibility to apply an exception to this rule. Therefore, we recommend that you check the local regulation before sending the holder of the temporary protection to another EU country.

On the territory of the Czech Republic there are no limitations to performing business trips. However, on business trips foreigners should always have the necessary documents (mainly copy of the employment contract and travel document with the sticker/stamp proving temporary protection with them).

Does the Ukrainian refugee have any further registration obligations in the Czech Republic?

Yes, it's necessary to comply with the registration obligation upon arrival and when the place of residence in the territory of the Czech Republic is changed.

For both cases the deadline is **3 days**.

The **registration upon arrival** is done in person at one of the **offices of the Foreign police**.

The **change of place of residence** may be announced via post or at the appropriate office of the Department of the Asylum and Immigration Policy of the Ministry of Interior (territorial jurisdiction according to the new place of residence), when announcing this change the document confirming accommodation at the new address (see the forms above) must be submitted together with the form which is available [here](#).

May the Ukrainian refugee work in another EU state based on the Czech temporary protection?

No, every EU Member State states its own rules for the performance of work of Ukrainian refugees. The temporary protection granted in the Czech Republic **applies exclusively to the performance of work in the Czech Republic**.

Must the Ukrainian refugee perform an entrance medical examination before commencement of work?

Yes, the entrance medical examination shall be performed before commencement of performance of work. In case there is not a chance to obtain the extract from medical records an extended medical examination must be performed.

Is free entry to the labour market somehow further restricted?

Free entry is granted by law only temporarily, **currently it's valid till 31 March 2023**. In case Ukrainian citizens will want to reside and work in the Czech Republic even after this date they will have to obtain the necessary permit in due time.

Of course, it can't be ruled out that the effectiveness of the exemption will be extended as the situation evolves.

The limitation of the validity of the law doesn't mean that the employment contract / agreements on work performed outside of employment must be concluded for a definite period. In our opinion, they may also be concluded for an indefinite period.

What should the employer pay attention to or what are the most common violations of legal conditions when employing Ukrainian refugees?

Firstly, it's the **failure to fulfil the duty to inform the Labour office** when an employee commences performance of work, when the employee's reported data changes or when the employee's employment terminates (for more details, please see the question **What are the obligations of the employer when hiring Ukrainian refugees?**).

Secondly violation of the condition regarding **retention of copies of documents proving the existence of employment relationship** at the workplace, i.e. employment contract or agreements on work outside employment. An exception to this obligation is the situation when the employer has fulfilled the obligation to notify the District Social Security Administration of the date of the employee's commencement of employment, which established the employee's participation in sickness insurance under the Sickness Insurance Act (and therefore only from the moment of fulfilling this obligation) - the supervisory authority is entitled to obtain the relevant information from the Social Security Administration.

Another frequent violation of conditions which occurs during employment of Ukrainian refugees is **enabling illegal work** which primarily is

- dependent work performed by a natural person outside the employment relationship,
- work performed by the foreigner in violation of the issued permit for employment (or any kind of permit) or without such a permit, or
- work performed by the foreigner without a valid residence permit to reside in the Czech Republic (which most likely is the case of Ukrainian citizens, which haven't complied with the conditions for being granted the temporary protection).

Lastly, the most frequently violated legal condition is the **disguised employment placement** of holders of temporary protection from Ukraine, when most likely the signs of job placement were fulfilled, but without the appropriate license of the employment agency or without the necessary documentation, typically disguised under a contract for work or a contract for the provision of services.

We are ready to help you with the employment of refugees from Ukraine, do not hesitate to contact us.

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