

Maternity and Parental Leave in Brief¹

The text you are reading is intended primarily for future mothers and fathers. Its aim is to provide a basic overview of the rights and obligations associated with the maternity or parental leave, and includes useful information and references to the relevant forms and competent contact persons. The first part of this information brochure is specifically dedicated to mothers and various possibilities offered to mothers in connection with pregnancy, childbirth, and childcare. The second part describes alternatives applicable to fathers and possibilities of joint care by both parents. Finally, the brochure briefly addresses the specifics applicable to foreign employees – both from the EU and third countries.

¹ All generic masculine terms in this text refer both to men and women unless stated otherwise.

Updated as of: 2013-06-04



Maternity leave and statutory maternity pay

Employed women are entitled to statutory maternity pay (in Czech: peněžité pomoci v mateřství) for a period of 28 weeks, or 37 weeks in the case of multiple pregnancy, and a time off for the same period during which her job is held pending her return (maternity leave). Both the maternity leave and the payment of the statutory maternity pay usually commence 6 weeks prior to the expected date of birth and no sooner than the beginning of the 8th week prior to the expected date of birth. In the event of a preterm birth², the woman commences her maternity leave as of the date of birth and is entitled to maternity leave of 28 weeks (or 37 weeks, as the case may be). If the woman takes fewer than 6 weeks of her maternity leave prior to the date of birth (e.g. she may wish to actively work as long as possible), she will receive statutory maternity pay only for the period corresponding to the commencement of her maternity leave and she will forgo her legal entitlement, which begins at the beginning of the 6th week prior to the expected date of birth. In other words, the term over which the statutory maternity pay is paid out is correspondingly shortened from the statutory guaranteed period of 28 weeks.

NOTE: The maternity leave may not be shorter than 14 weeks and may not terminate earlier than 6 weeks after childbirth.

Employment restrictions during maternity leave:

During maternity leave it is not possible to be employed in the position from which the maternity leave is taken due to the fact that the employee is receiving the statutory maternity pay for this position. Other employment (with no entitlement to statutory maternity pay) can be performed after the end of the 6th week after childbirth.

The amount of the statutory maternity pay is derived from the employee's income during the past 12 calendar months (i.e. the decisive period) prior to the entitlement to the statutory maternity pay and it amounts to 70% of the daily assessment base. Its payment is conditional upon the employee's participation in the sickness insurance program for at least 270 days over the preceding two years.

² In the period prior to the commencement of maternity leave between the 6th and 8th week prior to the expected date of birth.



The process of maternity leave commencement:

- *The employee notifies the employer (usually the HR department) of her pregnancy and submits the application for the statutory maternity pay she has received from her gynaecologist*
- *The employer informs the employee of any specific steps associated with the commencement of maternity leave (e.g. what to do with any entrusted assets such as laptop computers, etc.) – this is regulated individually by the internal guidelines of each institution*
- *The employee commences her maternity leave on the planned date, or on the date of childbirth (in the event of a preterm birth)*
- *After childbirth, the employee notifies the employer (e.g. by means of submitting a copy of the child's birth certificate), thus documenting that she is entitled to take the maternity (and, if applicable, parental) leave.*

The employer is obliged to grant the maternity leave, as an obstacle of work at the side of the employee defined in the law, without the employee being obliged to apply for it. The employee simply informs the employer of her maternity leave and submits her application for statutory maternity pay. The employer is obliged to grant the employee maternity leave.

The employee is entitled to take regular vacation immediately following her maternity leave. The employer is obliged to grant the employee's request for such vacation.

Prior to the end of the maternity leave, it is advisable to contact the employer's HR department and consult with the employer about the possibility of applying for regular vacation immediately following the maternity leave or the possibility of taking parental leave, as described in the following paragraphs.



Parental leave

After the end of the maternity leave, the mother may apply for parental leave in duration for as long as up to the child's third birthday. The employer is obliged to grant such applications. There is no precise form for this application but, in general, a written application is recommended. The application specifies the duration of the parental leave. The originally specified duration may be extended, but it may only be shortened subject to agreement with the employer. The employer is not obliged to accept the shortening of parental leave.

What are the possibilities of taking parental leave?

- *as a whole (up to the child's third birthday)*
- *as a whole, for a period shorter than 3 years*
- *1 year, with subsequent extensions, as needed*
- *combined: parental leave may be interrupted, the employee may return to work and then go back to the parental leave – in these cases, it is advisable to agree with the employer in advance; in the case of an interruption in the parental leave, the restrictions of termination of employment by the employer do not apply (see below)*

Restrictions of termination of employment by the employer:

During the term of the employment contract, the employer guarantees a job pursuant to the contract – it need not be the identical job, but a position at a comparable level. The employer may not terminate employment of a pregnant employee or a parent currently drawing maternity or parental leave (with certain exceptions being defined by the law).



Employment restrictions during the parental leave:

In the course of the parental leave, the employee may perform work for the employer in a different function than the one from which the parental leave is being taken. However, it is not possible to perform work of the same type under this secondary employment.

NOTE! The duration of the maternity / parental leave does not prevent the termination of employment concluded for a definite period of time; such employment is not subject to extension by the term of the maternity / parental leave and is terminated upon its originally agreed termination date.

Parental allowance

Simultaneously while taking parental leave, it is possible to draw a parental allowance (in Czech: rodičovský příspěvek), the total amount of which is CZK 220,000 per child up to the age of 4 years. Parental leave and the parental allowance are mutually independent, i.e. it is possible, for example, to terminate the parental leave with the employer but continue drawing the parental allowance.

The amount of the parental allowance is determined by the parents themselves, it can be changed once every three months and its precise amount is derived from the amount of the statutory maternity pay – reflecting the higher entitlement of both partners. The highest assessment allows recipients to draw CZK 11,500 per month. The allowance is always paid out only for one – the youngest – child in the family.



Application for the allowance:

The application for parental allowance, including the determination of the amount, is filed with the appropriate Labour Office depending on the applicant's place of permanent residence; the forms are available here:

<http://portal.mpsv.cz/forms/>

Conditions of the entitlement to parental allowance:

If a child younger than 2 years of age attends a day care, kindergarten or other pre-school facility, such attendance may not exceed 46 hours in a calendar month. Attendance is not restricted in any manner for children older than 2 years.

In the case of a transfer to another job with less pay as a result of the employee's maternity or pregnancy, e.g. a pregnant woman works with radioactive material and such work is prohibited, the employee may apply for a compensation payment during pregnancy and maternity; such payments constitute benefits under the sickness insurance program.

Restriction of income-generating activities during the term of drawing the allowances

It is possible to carry out income-generating activities while drawing allowances. In the case of drawing benefits under the sickness insurance program (the statutory maternity pay), it is not possible to continue carrying out the job under which the maternity pay is being drawn, but there is no restriction applicable to any other activities including doing work for the same employer. While drawing social security allowances (the parental allowance), there is no restriction pertaining to income. A complication in the case of working for the same employer is the provision prohibiting the concurrent existence of regular employment and an alternative employment arrangements (agreement on work performance, agreement on job completion) pertaining to the same activities.



Specific aspects of the father's entitlement

Six weeks after childbirth, the father (or husband) may agree with the child's mother (in writing) and apply to draw statutory maternity pay under the same terms as the mother. The parents may take turns caring for the child, with the minimum time period for the statutory maternity pay by the father being 7 days. The written agreement must specify the day starting from which the father (or husband) will start taking care of the child, as well as the date of the child's birth.

The obligatory form entitled "*Application for statutory maternity pay upon taking over the care of a child*" is available here:

<http://www.cssz.cz/cz/tiskopisy/nemocenske-pojisteni.htm>

Taking turns in the care of the child can continue through the term of the parental leave or, as the case may be, the term of drawing the parental allowance.

The parental leave constitutes a statutory entitlement, the employer cannot refuse to grant it to the child's father. Both parents may draw the parental leave at the same time, in which case only one of them is entitled to the parental allowance (or the statutory maternity pay, as the case may be). There is no specifically prescribed duration of the parental leave in the Czech Republic to be drawn exclusively by the father.

The father may commence the parental leave as of the date of the child's birth. The conditions set forth with respect to the parental leave of female employees apply adequately for male-employees.

The employee is entitled to take regular vacation immediately following the end of the parental leave during the period for which the female-employee is entitled to draw her maternity leave.

Parental leave drawn by a father within the term of the mother's maternal leave is classified as a time of absence for the purposes of vacation entitlement.



Situation of foreign employees and their family members

EU citizens: Allowances may only be paid out in one of the EU countries; otherwise, these employees have essentially the same possibilities as citizens of the Czech Republic.

For detailed information refer to:

<http://www.mpsv.cz/cs/532>

Citizens of third countries (non-EU): Sickness insurance benefits are paid out depending on the employment (in this particular case, sickness insurance benefits are paid out and the entitlement is processed by the employer) and depending on the residency status. The entitlement to social security allowances may be achieved in various ways – permanent residence in the Czech Republic for a period longer than 365 days, long-term residence permit for the purpose of carrying out scientific research, etc. – the entitlement is processed by the appropriate Labour Office depending on the applicant's place of residence.

Do you need individual consulting?

Beginning in March 2013, employees can take advantage of our consulting services provided as a part of the WLB project. The employees of OP RDI projects can address our consultants with their queries relating to balancing their personal and work lives:

- Are you planning to take maternity or parental leave and do you want to get familiar with your rights and obligations?
- Are you planning to return to work from maternity or parental leave and are considering some of the flexible forms of employment (part-time, compressed work week, home-office, etc.)?
- Do you want to learn more about the available forms of balancing your personal and work lives and find a way to work them out with your employer?
- Are you interested in the up-to-date information relating to grant financing with respect to female scientists leaving for maternity or parental leave?

In such cases, do not hesitate to contact the WLB project consultants, either by telephone or e-mail at any time during working hours.

Eliška Pudová | consulting for CEITEC employees

eliska.pudova@ceitec.cz

724 517 046

Petra Zavadilová | consulting for CEITEC BUT employees

petra.zavadilova@ceitec.vutbr.cz

541 146 206

Martina Šatinská | consulting for foreign employees

martina.satinska@jcmm.cz

724 803 394

Jaroslava Žaludová | consulting for Cetocoen employees

zaludova@recetox.muni.cz

549 49 3065



*This informative material was created as a part of the project “**Work-life balance of Scientific Employees in OP RDI Projects**” (reg. no. CZ.1.04/3.4.04/76.00133). The objective of the project is to introduce an HR-development system aimed at supporting the balancing of the personal and work lives of scientific employees. The primary role belongs to the target groups of employees, specifically scientific employees of the OP RDI projects in the field of natural science and employees in the field of human resources development. The project is financed from the ESF funds, through the Operational Programme “Human Resources and Employment” and from the national budget of the Czech Republic ČR.*

More information on the WLB project:

<http://www.ceitec.eu/work-life-balance-project/t1364>