

## 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)(m) 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. No later than from 17 March 2021, public employers that employ at least 50 people may only allow their employees to be present at the employer's workplace in the Czech Republic in person under the condition that the employee has, within the past 7 days, taken an RT-PCR test for the presence of the SARS-CoV-2 virus, a POC antigen test for the presence of the SARS-CoV-2 virus antigen or a preventive test to determine the presence of the SARS-CoV-2 virus antigen on the employer's premises, determined by the employer, using a test provided to them by the employer, unless determined otherwise in Art. III, the result of which is negative. The employers specified in the first sentence are obliged, starting no later than from 10 March 2021, to ensure for their employees POC antigen tests for the presence of the SARS-CoV-2 virus antigen performed by a provider of healthcare services, or tests to determine the presence of the SARS-CoV-2 virus antigen which can be used by non-professionals, this being with a frequency of at least once a week. 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. The employers specified in the first sentence are obliged to ask their employees to take the preventive test specified in the second sentence starting so as to allow their presence at the employer's workplace subject to meeting of the condition specified in the first sentence no later than by 17 March 2021. If an employee performs work exclusively outside of the employer's premises during a seven-day period, the employer will allow them to take the preventive test specified in the second sentence outside of the employer's premises; this does not relate to employees who perform work remotely (from home).
2. In this measure:
  - a) public employer refers to
    - i. an employer specified in Section 303(1) of the Labour Code, another organisation unit of the state or local government unit,
    - ii. a legal entity towards which the state or legal government unit performs the function of founder or organiser, except for state enterprises and national enterprises, schools or school facilities pursuant to the Schools Act, and with the exception of social service providers for which separate rules for testing employees are stipulated by an extraordinary measure,
    - iii. public university,
    - iv. civil service office in the case of state employees,
    - v. security corps in the case of members of the security corps, and
    - vi. 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,
  - b) employee refers also to a state employee, member of the security corps, professional soldier, judge and public prosecutor,

- c) employer's workplace refers to the space designated to perform work or service tasks, except for remote work (home office).

## II.

A public employer that employs fewer than 50 persons can decide to perform the preventive testing of its employees for the presence of the SARS-CoV-2 virus antigen and call on its employees to undergo POC antigen tests for the presence of the SARS-CoV-2 virus antigen, performed by a healthcare services provider, if it arranged for the performance of these tests with the healthcare service providers, or a test to determine the presence of the SARS-CoV-2 virus antigen using a test which can be used by a lay person and which it will provide to employees, by the deadline stipulated for employees.

## III.

1. Employees are obliged to undergo the testing pursuant to Art. I and II at the employer's request, with the exception of persons
  - a) who have undergone a laboratory-confirmed instance of COVID-19, where the period of isolation in accordance with a valid extraordinary measure of the Ministry of Health has ended, that are not showing any COVID-19 symptoms, and no more than 90 days have passed from the first positive RT-PCR test for the presence of SARS-CoV-2 or POC antigen test for the presence of a SARS-CoV-2 antigen, or
  - b) who have a certificate of the Ministry of Health of the Czech Republic on vaccination against COVID-19, and at least 14 days have passed since the application of the second dose of a vaccine in the case of a two-dose scheme in accordance with the summary of product characteristics (hereinafter "SPC") or at least 14 days have passed since the application of the first dose of a vaccine in the case of a single-dose scheme in accordance with the SPC, and the vaccinated person is not showing any COVID-19 symptoms.
2. The employee is obliged to prove that they have taken an RT-PCR test for the presence of the SARS-CoV-2 virus or a POC antigen test for the presence of the SARS-CoV-2 virus antigen pursuant to Art. I or II, and the facts pursuant to paragraph 1, by means of confirmation issued by the healthcare services provider.

## IV.

If the result of the preventive test for the presence of the SARS-CoV-2 virus antigen performed at the employer's workplace in accordance with Art. I and II is positive, the employee is obliged to proceed in accordance with the valid Extraordinary Measure of the Ministry of Health regulating employee obligations during testing for the presence of the SARS-CoV-2 virus antigen performed by a non-professional using a test provided by the employer.

## V.

This Extraordinary Measure takes effect on the date it is issued.