

LEGAL ALERT

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Contribution to supplementary pension insurance as part of wage conditions

With this ruling, the Supreme Court has significantly expanded the protection afforded to temporarily assigned employees. It confirmed that contributions to supplementary pension insurance are not merely a voluntary bonus, but an integral part of "working and wage conditions." Therefore, if a company uses an employee assigned from another employer, it must provide them with the same contribution as it pays to its own permanent employees in comparable positions. According to the court, any other approach would defeat the purpose of the law, which is to prevent the abuse of these institutions for the unfair reduction of labor costs.

The court emphasized that entitlement to a benefit is not determined by its formal establishment (whether it is in a contract or only in internal regulations), but by the actual reality at the employer. With this step, the Supreme Court unified the interpretation of the principle of equal treatment and clearly stated that "working and wage conditions" include all monetary benefits provided within the framework of an employment relationship.

Although the specific dispute concerned a temporary assignment between two ordinary companies, the implications will also be significant for the area of agency employment. In its reasoning, the Supreme Court explicitly mentioned that the legislation is practically identical in both cases. Companies and agencies should immediately review their benefit settings, as the current methodological guidelines of the labor inspectorate, which have been more lenient towards employers, are unlikely to stand up after this ruling.

(Judgment of the Supreme Court of the Czech Republic, file no. 21 Cdo 351/2024)

What will the amendment to the law on equal pay for women and men bring?

According to statistics from the Ministry of Labor and Social Affairs, **women in the Czech Republic earn on average 10 % less than men in the same positions** for comparable work in companies, while in the public sector the difference is approximately **5 %**.

In April, the Ministry of Labor will most likely submit an amendment to the Labor Code with measures to promote equal pay for men and women.

1. What changes can be expected?

According to the authors of the European directive upon which the new regulation is to be based, the principal cause of the gender pay gap is insufficient transparency.

The envisaged changes therefore concern, inter alia, the obligation to disclose remuneration levels in job advertisements, the monitoring of pay levels of women and men, and the equalisation of earnings for the same work where the difference exceeds five percent.

2. What restrictions and obligations will you face as an employer?

A prospective employer will no longer be permitted to inquire about an applicant's previous remuneration. Conversely, applicants must be provided in advance with information regarding the level of remuneration (or its range). Clauses imposing confidentiality regarding wages or salaries would be prohibited.

3. How will remuneration be determined?

Remuneration should be determined exclusively on the

basis of objective criteria, such as the level of education attained, skills, and the nature of the work performed.

Companies and institutions with more than 250 employees will be required to report data on remuneration levels annually, while smaller undertakings will do so once every three years. Where an unjustified disparity in earnings, bonuses, or other forms of remuneration between women and men exceeds five percent, employers will be required to rectify the situation within six months.

The changes aimed at ensuring equal pay for equal work, deriving from the EU directive, are expected to take effect from next year.

Liability for Critical Infrastructure Shifts from the State to Companies: First Key Deadline Expires on 1 March

The new legislation (Act No. 266/2025 Coll.) introduces a fundamental shift in the logic of state protection. Whereas previously the state itself designated specific buildings or tunnels as critical infrastructure, responsibility is now transferred directly to private entities. No later than 1 March 2026, companies are required to assess independently whether their services are essential to the functioning of society and to notify the competent ministry accordingly. This obligation applies across a broad spectrum of sectors—from energy and healthcare to large-scale bakeries, food supply chains, and their strategic subcontractors.

The implementation of the European CER Directive (2022/2557) into Czech law is not merely a bureaucratic exercise, but a direct response to the increasing risks of physical attacks, sabotage, and large-scale blackouts across Europe.

Once a company identifies itself as part of critical infrastructure, a nine-month

period commences for the preparation of a risk assessment and a resilience plan. The company must appoint a responsible manager with appropriate security clearance and prepare for stringent reporting obligations vis-à-vis the state. The most significant practical challenge, however, lies in the human resources domain: companies will be required to maintain registers of so-called “critical personnel” and to conduct integrity screening. This obligation extends not only to core employees but also to personnel of subcontractors (e.g. cleaning or maintenance providers), necessitating extensive revisions of commercial contracts and internal processes.

Limitation of Employment-Related Claims in the Regime of Priority Receivables: A New Approach of the Supreme Court

The Supreme Court has clarified the rules governing the limitation period for priority claims (typically unpaid wages or severance), which in insolvency proceedings are not lodged by way of a standard proof of claim but are asserted **directly vis-à-vis the insolvency administrator**. The Court rejected the more lenient interpretation adopted by lower courts and held that the mere assertion of such claims before the insolvency administrator, or the conduct of incidental proceedings concerning their classification, is insufficient to suspend (toll) the limitation period. In order to prevent a claim from becoming time-barred, the creditor must actively file an action for payment.

This conclusion is grounded in a strict distinction between procedural acts. While, in the case of ordinary claims, the law expressly links the suspension of the limitation period to the filing of a proof of claim, no such automatic effect exists for priority claims under Sections 168 and 169 of the Insolvency Act. As incidental proceedings concerning the ranking of a claim address only its classification and not its satisfaction, they have no effect on

the running of the limitation period. The sole legally effective means of preventing the limitation of a priority claim in insolvency is therefore the filing of an action for payment pursuant to Section 203(4) of the Insolvency Act.

For creditors (in particular employees), this entails a substantial increase in the demands placed on procedural diligence. Where a dispute arises as to whether a claim qualifies as a priority claim, the creditor must proceed on a dual-track basis: pursuing proceedings to determine the ranking of the claim while simultaneously filing, in a timely manner, an action for payment. Should the creditor await the outcome of the former, there is a risk that the claim will lapse (become time-barred) in the interim, enabling the insolvency administrator lawfully to refuse payment—even where the underlying entitlement to wages is substantively justified.

(Supreme Court judgment, Ref. No. 29 Cdo 1637/2025)

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