

Annex 3 Guidelines for ensuring health and safety at work

Procedure for reporting, recording and keeping records of the occurrence of an accident

Procedure according to Government Decree No. 170/2014 Coll., amending Government Decree No. 201/2010 Coll., on the method of recording, reporting and sending a record of accidents, in relation to the provisions of Section 105 of Act No. 262/2006 Coll., the Labour Code, as amended

The government regulation divides occupational injuries into accidents:

- Lethal
- with a hospital stay of more than 5 days
- Other

For statistical purposes, a fatal occupational injury is defined as an injury to health from which the injured worker dies within one year.

DEFINITION OF WORK INJURY

- For the purposes of this Act, an accident at work is an injury to the health or death of an employee if it occurred independently of the employee's will by a short-term, sudden and violent action of external influences during the performance of work tasks or in direct connection with it.
- An accident sustained by an employee in the performance of his/her work tasks is also considered an accident at work.
- An accident at work is not an accident that occurs on the employee's way to and from work.

EMPLOYER'S OBLIGATIONS IN THE EVENT OF ACCIDENTS AT WORK AND OCCUPATIONAL DISEASES (according to § 105 of the Labour Code)

(1) The employer at whose workplace the accident occurred is obliged to clarify the causes and circumstances of the occurrence of the accident in the presence of the employee, if the employee's health condition permits, witnesses and in the presence of the trade union organisation or the representative for occupational safety and health and not to change the condition at the place of the accident without serious reasons until the causes and circumstances of the accident have been clarified. The employer referred to in the first sentence shall without undue delay inform the employer of the injured employee of an accident at work of an employee of another employer, allow him to participate in the clarification of the causes and circumstances of the accident at work and inform him of the results of this clarification.

(2) The employer shall keep a record in the accident book of all accidents, even if they have not caused incapacity for work or have caused incapacity for work not exceeding 3 calendar days.

(3) The employer shall make records and maintain documentation of all work-related accidents:

- a) the employee is injured and is unable to work for more than 3 calendar days, or
- b) the death of an employee.

One copy of the accident record shall be given by the employer to the injured worker and, in the case of a fatal work accident, to his/her family members (beneficiaries).

(4) The employer is obliged to report an accident at work and to send a record of the accident to the specified authorities and institutions.

(5) The employer is obliged to take measures to prevent the recurrence of accidents at work.

(6) An employer shall keep a record of employees who have been recognised as having an occupational disease arising at its workplaces and shall apply such measures as are necessary to eliminate or minimise the risk factors which give rise to the risk of occupational disease or illness.

OBLIGATIONS OF THE EMPLOYEE (according to § 106 of the Labour Code)

- An employee shall be obliged to report immediately to his or her supervisor an accident at work, if his or her health permits, an accident at work of another employee, or an accident of another natural person that he or she has witnessed.
- The employee is obliged to cooperate in clarifying the causes of the accident.

ACCIDENT BOOK (according to § 105 of the Labour Code and § 2 of Government Regulation No. 201/2010 Coll. (as amended))

- The employer must provide all workplaces with an accident book so that it is possible to record accidents at all times. The employer shall determine the number of books and the location of their storage in relation to the size of the workplace, the number of employees, etc.
- The employer (authorised or manager) shall keep a record of all accidents in an accident book, i.e. from minor injuries to serious or fatal accidents.
- The accident book shall be kept in electronic or paper form.
- The records shall contain the following data:
 - a) the name, or names, and surname (hereinafter referred to as "name") of the injured employee,
 - b) the date and time of the accident,
 - c) the place where the accident occurred,
 - d) the activity in which the injury occurred,
 - e) the number of hours worked immediately before the injury occurred,
 - f) total number of injured persons,
 - g) the type of injury and the injured part of the body as specified in Annex 3 to this Regulation,
 - h) description of the accident,
 - i) type of injury,
 - j) the source of the injury,
 - k) the cause of the injury,
 - l) names of witnesses to the accident,
 - m) the name and job title of the person who recorded the data.
- If the accident occurred with another employer to whom the employee was seconded or temporarily assigned, the employer of the injured employee and the employer to whom the injured employee was seconded or temporarily assigned shall record the information referred to in paragraph 1 in the accident books.
- The employer shall issue to the employee, upon his request, a certified copy or extract of the entries in the accident book of his injury; in the case of a fatal injury, the employer shall issue them to the employee's family members upon their request.

RECORD OF INJURY (according to § 105 of the Labour Code and § 5 of Government Regulation No. 201/2010 Coll.)

- The employer (the authorised or managerial employee) is obliged to draw up an Injury Report, in the event that:
 - an injury to an employee with an incapacity for work of more than 3 calendar days (i.e. if a Certificate of Incapacity for Work has been issued and it is clear that the incapacity for work will exceed 3 calendar days), or
 - the death of an employee.
- The record of injury shall be made by the employer **promptly**, but not later than 5 working days from the date on which the employer became aware of the injury.
- The record of the accident shall be forwarded without undue delay to the persons entitled.
- The record of the accident shall be sent to the designated authorities and institutions within the specified deadlines.
- A model of the Injury Report is set out in Annex 1 to Government Regulation No. 201/2010 Coll.

REPORTING OBLIGATION (according to § 4 of Government Regulation No. 201/2010 Coll.)

The employer shall report the WORK INJURY without undue delay:

- to the competent territorial unit of the Police of the Czech Republic if the facts established indicate that a criminal offence has been committed in connection with the work accident,
- trade unions and occupational health and safety representatives,
- to the competent regional labour inspectorate if the accident occurred at a natural or legal person which is subject to its control under another legal regulation and if the hospitalisation of the accident-affected

employee lasts more than 5 days or if such a period of hospitalisation can be expected due to the nature of the injury,

- to the competent district mining authority if the activity, workplace or technical installation is subject to the supreme supervision pursuant to another legal regulation, if it is a serious occupational accident pursuant to another legal regulation,
- to the employer who sent or seconded the employee to work for the employer,

The employer shall report the FATAL WORK INJURY without undue delay:

- to the territorial competent unit of the Police of the Czech Republic,
- trade unions and occupational health and safety representatives,
- to the competent regional labour inspectorate if the accident occurred at a natural or legal person who is subject to its control under another legal regulation,
- to the competent district mining authority if the activity, workplace or technical installation is subject to supervision under another legal regulation,
- to the employer who sent or seconded the employee to work for the employer,
- to the health insurance company with which the fatal work injury insured the employee.

SENDING RECORDS OF INJURIES (according to § 6, § 7, § 7a of Government Regulation No. 201/2010 Coll.)

The employer shall send the injury record, or records of all injuries (in aggregate), for the preceding calendar month **no later than the fifth day of the following month:**

- to the competent territorial unit of the Police of the Czech Republic if the facts established indicate that a criminal offence has been committed in connection with the work accident,
- to the competent regional labour inspectorate if the accident occurred at a natural or legal person who is subject to its control under another legal regulation,
- to the competent district mining authority if the activity, workplace or technical installation is subject to the supervision of the superintendence pursuant to another legal regulation,
- to the health insurance company with which the injured employee is insured,

In the event of a fatal work accident, the employer shall send a record of the accident **no later than 5 days** from the date on which the employer became aware of the accident:

- to the territorial competent unit of the Police of the Czech Republic,
- to the competent regional labour inspectorate if the accident occurred at a natural or legal person who is subject to its control under another legal regulation,
- to the competent district mining authority if the activity, workplace or technical installation is subject to supervision under another legal regulation,
- to the health insurance company with which the fatal work injury insured the employee,

The employer shall, for the purpose of settling claims under the statutory employer's liability insurance for damage in the event of an accident at work or occupational disease, send a record of the accident to the organizational unit of the insurance company with which he is insured for this purpose.

Comment:

There is no longer a deadline by which to send this record. It is sent after the end of the incapacity for work, together with the claim for compensation.

REPORTING OF CHANGES (according to § 8 of Government Regulation No. 201/2010 Coll.)

- If an employer sends an injury record to the specified institutions and subsequently becomes aware of facts that lead to a change in the information contained therein, the employer shall prepare a new form, Injury Record - Reporting of Changes, for the injured employee.
- An accident report - a change report is made if:
 - the injured employee's hospitalization exceeded 5 consecutive days and was terminated after the injury report was sent,
 - the injured employee's temporary disability as a result of the injury was terminated after the accident report was sent,
 - the injured employee dies of the accident within 1 year,
 - there has been a change in the assessment of the source or cause of the injury, the nature of the injury, or other facts affecting the processing and content of the injury record - reporting of changes,
 - further incapacity for work arose and was terminated as a result of the same work injury.

Comment:

An accident record - change report is also made if one accident at work is also the cause of a further incapacity for work of the employee.

- **Injury Report - The employer shall send the change report to the injured employee **no later than the fifth day of the following month:****
- to the competent regional labour inspectorate if the accident occurred at a natural or legal person who is subject to its control under another legal regulation,
- to the competent district mining authority if the activity, workplace or technical installation is subject to the supervision of the superintendence pursuant to another legal regulation,
- to the health insurance company with which the injured employee is insured,
- to the competent territorial unit of the Police of the Czech Republic if the facts established indicate that a criminal offence has been committed in connection with the work accident or in the case of a fatal work accident,
- For the purposes of settling insurance claims due to statutory employer's liability insurance in the event of an occupational accident or occupational disease and in the event of a fatal occupational accident, the employer shall also send an accident record - change report to the organisational unit of the insurance company with which it is insured for this purpose.
- In the event that there is a change in the assessment of the source or cause of the injury, the nature of the injury, or other facts affecting the processing and content of the accident record - reporting of changes, the employer shall forward one copy of the accident record - reporting of changes to the injured employee and, in the case of a fatal occupational injury, to his/her family members.
- The template of the Injury Record - Reporting of Changes is set out in Annex 2 to Government Regulation No. 201/2010 Coll.

Comment:

Injury record - reporting of changes shall also be sent to the insurance company with which the employer is insured for its liability in the event of an occupational accident or occupational disease for the purpose of settling claims. The deadline for sending this record is no longer set. It should only be sent together with the claim for compensation.

FORM OF SENDING DOCUMENTS (according to § 9 of Government Regulation No. 201/2010 Coll.)

- Both the Injury Report and the Injury Report - Change Report are sent by the employer electronically or in paper form.
- In the case of electronic submission of records, the forms published by the Ministry of Labour and Social Affairs (www.mpsv.cz) can be used.

COMPENSATION FOR WORK ACCIDENTS (according to the Labour Code)

The employer is further obliged to:

- Determine the amount of compensation to be paid to the injured employee, or propose a reduction if there has been a breach of regulations to ensure safe working,
- discuss the method and amount of compensation without undue delay with the trade union and the employee.

RELATED DOCUMENTATION (FORMS)

Forms for notification of a claim under statutory employers' liability insurance:

- Reporting an insurance claim
- Record of injury
- Injury record - reporting changes
- Compensation for loss of earnings - loss of earnings
- Doctor's certificate on the causal link between the PN and the work injury
- Pain assessment
- Assessment of the difficulty of social rehabilitation
- Medical billing
- Billing of fare costs
- Charges for the use of a private motor vehicle
- Medical billing - cost of medicines
- Declaration of non-application of motor insurance for bodily injury

Note: The above forms are available on the websites of the insurance company Kooperativa (www.koop.cz) or Česká pojišťovna (www.ceskapojistovna.cz). Kooperativa has been insuring all employers since 1 January 1993.