

## A BRIEF OVERVIEW OF LEGAL APPROACHES TOWARDS WORK-LIFE BALANCE IN THE CZECH REPUBLIC AND IN ENGLAND

Kateřina Štěpánková\*

**Abstract:** *Work-life balance, undoubtedly, has an impact on various aspects of employees' lives. A lack of sufficient work-life balance level may, for instance, result in subsequent harm to their physical and mental health. In addition, it might also negatively influence the employees' work efficiency as well. As a result, work-life balance standards have recently formed one of the crucial parts of the current legislative initiatives within the EU Member States. The Czech Republic, being an integral part of the EU, has already adopted certain work-life balance measures, resulting from the EU legislation. The United Kingdom, on the contrary, exited the EU in the year 2020 and, thus, shall no longer be bound by the EU legislative efforts in this field. Generally speaking, the development of the UK work-life balance legislation (and the English national legislation in particular) is partially based on principles different from the ones applied in the Czech Republic. Therefore, the submitted contribution covers some of the relevant aspects of both of the systems, subsequently compares the attitude towards work-life balance in an EU Member and non-Member State, and comes to a final conclusion, whether and in which particular aspects the English standards might lead an example to the Czech Republic, and possibly also certain other EU Member States.*

**Keywords:** *Work-Life Balance, Comparison, England, the Czech Republic, EU Member States*

### INTRODUCTION

Undoubtedly, work-life balance has a crucial impact on various areas of peoples lives. A suitably arranged work-life balance standards can, of course, play a substantial role in maintaining both individuals' physical and mental health, their work efficiency and adequate rest. Therefore, it is no surprise that work-life balance has become a more and more frequently discussed topic over the recent years. In addition, this may result from the fact that it applies not only to childcare, but also to individual personal lives, their quality and the right of individuals to leisure time.

At the same time, work-life balance is usually understood as a very diverse term by the general public. Each individual has their own work-life balance limits. Nevertheless, we are facing numerous legislative efforts, which should help us achieve an optimal work-life balance. Of the latest efforts within the European Union, we can especially mention the Directive on work-life balance for parents and carers<sup>1</sup> (hereinafter referred to as “*the Directive*”), which should have been implemented by all of the Member States no later than August 2, 2022.

Nevertheless, work-life balance is not only dealt with within the framework of the EU Member States. The United Kingdom left the EU on January 31, 2020 and became a third country from February 1, 2020. However, it may be notified that the topic of work-life

---

\* JUDr. Kateřina Štěpánková, Ph.D., assistant professor at the Department of Labour Law and Social Security Law, Faculty of Law, Charles University, Prague, Czech Republic, and an attorney in Prague cooperating with Kocián Šolc Balaščík, law firm, s.r.o., Prague, Czech Republic. ORCID: 0000-0001-5642-9445.

<sup>1</sup> The Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU.

balance has been dealt with in the UK for a long time before Brexit. Therefore, this contribution shall be focused on a brief comparison of certain work-life balance standards applied in an EU Member State (the Czech Republic) and in a newly non-member state (the United Kingdom) and shall thus bring some key ideas and mutual inspiration. Considering the extensiveness and complexity of both the Czech and English legal systems, the aim of this contribution shall and cannot be to provide a fully comprehensive comparison, but rather to point out some of the most significant differences between these two legal systems.

It is also important to emphasize that due to the fact that the relevant legislation may differ within the territory of the United Kingdom depending on whether it refers to Northern Ireland, Scotland or, for example, England, a certain simplification shall apply and, therefore, the English legislation is to be exclusively assessed within the following contribution. Of course, the below-mentioned statistics, which refer to the entire territory, form an exception.

## I. A BRIEF LOOK AT THE RELEVANT UK STATISTICS AND ITS COMPARISON WITH THE CZECH CONTEXT

Work-life balance shall not be considered as a traditionally social aspect, which would have been monitored for decades. Rather, it is a concept that has especially emerged its actual impact within the recent years. Nevertheless, the concept still enables us to follow certain relevant statistics acquired hereof. These subsequently make it easier for us to understand the approach towards work-life balance across various countries and therefore form an integral part of the following comparison.

In 2020 the OECD presented the so-called Better Life Index, which aims to compare OECD countries around the world with respect to material living conditions and quality of life. The statistics is based on 11 topics, which are considered as essential.<sup>2</sup> One of these is also the work-life balance aspect, which basically takes into account the assessment of two relevant criteria, first it is the amount of time spent by the employee at work and second it is the time devoted to leisure and personal care. Of course, employees working long hours may tend to have worse work-life balance, this can have a bad effect on their health, family background and increase stress. At the same time, full-value leisure time can excessively improve quality of their lives and ensure their better social integration.

On average, 10% of employees in the OECD work very long hours, which means that they work 50 paid hours or more per week. What's more, a full-time employee devotes "15 hours a day on average to personal care (eating, sleeping, etc.) and leisure (socialising with friends and family, hobbies, games, computer and television use, etc.)".<sup>3</sup>

In the United Kingdom findings were recorded that 10.8% of employees stay at work very long hours, and thus it exceeded the OECD average in this aspect. The employees

---

<sup>2</sup> In: *OECD Better Life Index: How's life?* [online]. 29. 9. 2024 [2024-09-29]. Available at: <<https://www.oecdbetterlifeindex.org/>>.

<sup>3</sup> In: *OECD Better Life Index: Work-Life Balance* [online]. 29. 9. 2024 [2024-09-29]. Available at: <<https://www.oecdbetterlifeindex.org/topics/work-life-balance/>>.

were said to devote 14.9 hours to personal care and leisure, which was an amount that almost coincided with the OECD average of 15 hours a day. The United Kingdom was ranked the 30<sup>th</sup> out of 41 countries for these reasons. In contrast, the Czech Republic ranked the 21<sup>st</sup> among all OECD countries. It was found that only 4.5% of employees work very long hours (50 paid hours or more per week), which is significantly less than the average of 10.8% in Great Britain, and at the same time the employees in the Czech Republic were found to spend a total of 15.1 hours a day on personal care and leisure activities.

The above-mentioned statistics were followed by others, some of the most interesting and recent of them being, unfortunately, created solely by private sector companies.<sup>4</sup> According to these findings, almost one third of employees in the United Kingdom in 2023 felt they did not have satisfactory work-life balance conditions. Furthermore, 28% of the employees believed that this was the main cause of their reduced productivity at work. About two-thirds of UK employees considered work-life balance to be a key requirement when seeking for a new job. According to these resources, this requirement even surpassed the amount of the remuneration and other benefits acquired.<sup>5</sup>

Compared to this, the situation in the Czech Republic is somewhat different. Although work-life balance is important to the vast majority of employees, not all of these employees agree on its importance. As a rule, stability and level of earnings and fairness of remuneration are a key requirement of the Czech employees. Thus, work shall be perceived primarily as a source of living. Other requirements are related to relationships and the atmosphere at the workplace. It is usually only among these less important other aspects of work that the work-life balance is also emphasized by the employees.<sup>6</sup>

## II. A GLIMPSE THE ENGLISH WORK-LIFE BALANCE STANDARDS

### II.1 Flexible Working

Flexible Working<sup>7</sup> represents one of the possible ways to achieve a better work-life balance. Employees in England<sup>8</sup> have the right to ask their employers to approve the so-called statutory application. This enables the employees to request a more flexible work arrangement from their employers. Previously, the employee had to have been employed by the employer for at least 26 weeks before being allowed to make the statutory appli-

---

<sup>4</sup> Especially recruitment companies.

<sup>5</sup> FENNEL, Andrew. Work life balance statistics in the UK: The latest facts and figures on work life balance in the UK. In: *StandOut CV* [online]. 27. 9. 2024 [2024-09-27]. Available at: <<https://standout-cv.com/work-life-balance-statistics-uk>>. Although we do not have more detailed information about the sources on which these data are based, the importance of work-life balance is obvious herefrom.

<sup>6</sup> ČADOVÁ, Naděžda, ŠTĚPÁNEK, Martin. Harmonizace osobního a pracovního života. *Časopis výzkumu a aplikací v profesionální bezpečnosti (JOSRA)*. 2021, Vol. 14, Issue 3, p. 3.

<sup>7</sup> For other circumstantial, please see for instance ACAS. Acas Code of Practice on requests for flexible working. In: *Acas Codes of Practice* [online]. 11. 9. 2024 [2024-09-11]. Available at: <<https://www.acas.org.uk/acas-code-of-practice-on-flexible-working-requests>>.

<sup>8</sup> The relevant legislation used to be and to an extent still is rather confusingly fragmented between several acts in England, namely the Equality Act 2010, Sections 80 f to 80 i of the Employment Rights Act 1996 and Flexible Working Regulations 2014. These rules generally do not apply to agency workers, and there are even other exceptions hereto. The Flexible Working concept shall be hereinafter referred to as *the Flexible Working*".

cation to work flexibly. However, under the Flexible Working (Amendment) Regulations 2023, which came into force on April 6, 2024, this limitation shall no longer apply.

Via this application, the employee can ask for any alteration of the working regime. As a result, these statutory applications may especially include the employee's request for teleworking, hybrid working,<sup>9</sup> part-time working, compressed working hours or flexible scheduling of working hours carried out by the employee. However, this enumeration is not firmly stipulated. The only condition imposed on the required Flexible Working is that its regime shall be more flexible for the employee in question than the previous one, and that the employer shall not be prevented from implementing it by any serious statutory reason. In his or her statutory application, the employee is also obliged to specify the details of how this regime should operate, and when the employee wants to start with its application. The employee is entitled to make two Flexible Working requests in any 12-month period altogether.

Withdrawing of such a request apparently has certain rules, which must be followed. The employer is obliged to assess the employee's statutory request in a reasonable manner, and fully explain the reasons for denying it to the employee in question. This has to occur before the denial itself. Moreover, the employer is obliged to respond to the statutory request within no longer than two months of its receipt.

But most importantly, the employers are only allowed to refuse the request on the basis of any out of 8 statutorily stipulated reason. These are (i) extra costs necessary for the alteration towards Flexible Working, which would damage the employer's business, (ii) the fact that the employee's work cannot be reorganised among other staff, (iii) people cannot be recruited to do the rest of the essential work, Flexible Working will affect (iv) quality or (v) performance of the employee's work tasks, (vi) the business shall not be able to meet the customer demand after such a change, (vii) there is a lack of work to do for the employee during his or her proposed working times, (viii) or that the employer's business shall be subject to planned structural changes.

Based on the above-mentioned, it is evident that the statutory reasons available for withdrawal of an employee's application are rather broad and flexible. As a result, it may not require a significant exertion and effort to achieve the withdrawal of such an application. Although several statutory reasons are stipulated, these fail to be specific enough so that it was genuinely demanding to achieve them by the employer without comprehensive and significant efforts. Despite the current system being criticized for various reasons,<sup>10</sup> so far no consensus on a suitable form of a reform has been achieved.<sup>11</sup>

When it comes to the Flexible Working aspects, it generally seems that the role of the Advisory, Conciliation and Arbitration Service (hereinafter referred to as "*the Acas*") is very important for both employees and employers. This is an independent public body funded by the Government, the essence of which is to provide free help and advice in various

---

<sup>9</sup> This stands for a combination of working from the premises of the employer and teleworking.

<sup>10</sup> For instance, MASSELOT, Annick. Gender Implications of the Right to Request Flexible Working Arrangements: Raising Pigs and Children in New Zealand. *New Zealand Journal of Employment Relations*. 2014, Vol. 39, Issue 3, p. 63.

<sup>11</sup> PEARSON, Meghan. The Right to Request Flexible Working: Evidence from Employment Tribunal Judgments. *Industrial Law Journal*. 2024, Vol. 53, p. 2 et seq.

Labour Law matters, such as safeguarding employees' rights and resolving workplace conflicts.<sup>12</sup> The Acas, for instance, offers templates for the employee's statutory application and the employer's response hereto, together with a simplified guide (an Acas Code of Practice) on the issue of Flexible Working, which are frequently used by the public.<sup>13</sup>

## II.2 Unpaid Parental Leave

The essence of the so-called Unpaid Parental Leave or Ordinary Parental Leave,<sup>14</sup> covered by the Parental Leave (EU Directive) Regulations 2013, is to offer an option to parents to take extra care of their children, in case they feel the need to do so.<sup>15</sup> The employees are, therefore, granted a statutory right to take an unpaid time off, which enables them to secure care of their children under specific circumstances. Such circumstances can be, for example, the child's stay in the hospital, or the necessity to help the child with his or her adaptation to a new school facility. The grounds for this claim are, however, not specifically statutorily defined, and thus can be formed by any possible reason worthy of consideration, such as the wish of the respective parent to spend more time with his or her child.

The employee is eligible to draw this leave, provided that he or she has worked for the employer for more than one year. As a result, the parental leave is granted to the employee in the total amount of 18 weeks per child until his or her 18 years of age. The employee is solely permitted to draw the leave in weeks, not days or even hours. This can be done either in one block of 4 weeks per year, or in several shorter weekly periods. A 21 days' notice has to precede the date of commencement of the Unpaid Parental Leave, while the employer can postpone the drawing hereof. Apparently, only reasonable circumstances may cause this delay.

## II.3 Time Off for Dependants

Under the conditions stipulated in the Employment Rights Act 1996, the employee may also apply for the so-called Time Off for Dependants.<sup>16</sup> If any unexpected or emergency event occurs, which requires the employee to take care of a dependant person, he or she is subsequently entitled to time-off, which shall enable the employee to deal herewith.

The Employment Rights Act 1996 does not specifically determine the possible scope of such time off available. It only stipulates that the amount taken shall be reasonable. As a result, in case of any extraordinary or emergency event the employee usually takes no more than several days off. An example of a typical extraordinary situation, which would probably meet all the relevant statutory conditions, would then be represented by taking care of a dependent child, provided that a person, who normally cares, has unexpectedly fallen ill.

---

<sup>12</sup> For other circumstantial, please see for instance ACAS. About us: What we do. In: *Acas Working for Everyone* [online]. 11. 9. 2024 [2024-09-11]. Available at: <<https://www.acas.org.uk/about-us/what-we-do>>.

<sup>13</sup> As far as the author may judge from her own personal experience.

<sup>14</sup> The leave may be hereinafter referred to as "*the Unpaid Parental Leave*".

<sup>15</sup> This regulation amended Regulation 14 of the Maternity and Parental Leave etc. Regulations 1999.

<sup>16</sup> In compliance with Section 57 A of the Employment Rights Act 1996. The leave may be hereinafter referred to as the "*Time Off for Dependants*".

### III. A GLIMPSE ON THE CZECH WORK-LIFE BALANCE STANDARDS

#### III.1 “Limited Flexibility” Concept

In the Czech Republic, the crucial legal regulation governing employment relationships is represented by Act No. 262/2006 Coll., the Labour Code (hereinafter referred to as “*the Labour Code*”). Based on the Directive, Sections 241 and 241a of the Czech Labour Code only grant the employees the right to apply for more flexibility of their working conditions, provided that certain circumstances stipulated herein are met. Apparently, nothing precludes the employer and the employee from entering into a mutual agreement on any possible modification of the employee’s working conditions. Nevertheless, the employer is only obliged to respond to two basic types of employee’s requests, that is an employee’s proposal to adjust his or her working hours or an employee’s proposal to agree on remote work performance<sup>17</sup> with the employer.

When it comes to the adjustment of employees working hours, the Labour Code stipulates rather strict rules on the employer. Upon the employee’s statutory application (either for shorter working hours or for any similar appropriate adjustment), the employer is obliged to comply herewith, unless serious operational reasons prevent him or her from doing so.<sup>18</sup> Any withdrawal of such an application has to be justified in writing. Nevertheless, this strictness imposed on employers is not as fundamental as it might seem at first glance. The term of serious operational reasons is again so vague that it apparently shall offer the employers a very wide scope of possibilities to reject such applications. In addition, the application can only be filed by an employee statutorily authorized to do so (these are pregnant employees, employees caring for a child under the age of 15 or other caring persons stipulated by the law). If any other employee was to apply, his or her employer would not be bound by the above stated regulations at all.

In terms of the request for remote work performance, it can be summarized that contrary to the situation in the previous case, the employer is not even obliged to comply with the request. The only obligation imposed on the employer is that, assuming that he or she shall withdraw the application, the employer has to justify such a fact in writing. The scope of employees eligible to submit a statutory application is even narrower than in the previous case (only pregnant employees, employees caring for a child under the age of 9 or other caring persons stipulated by the Labour Code come into question).

As it is apparent from the above-mentioned summary, the possibilities of submitting a statutory application to achieve more flexibility in working conditions are rather restricted for the Czech employees. The employers are not obliged to respond to any such employees’ requests, unless the Labour Code conditions are fully met.

---

<sup>17</sup> This stands for any work performed from a place different from the employer’s premises(workplace).

<sup>18</sup> If, after the request has been granted, the employee requests the renewal of the original weekly working hours and the employer does not comply with this request, he or she is obliged to justify this in writing.

### III.2 Long-Term Care Benefit for Caring Persons

There is no such leave within the Czech legal system, which could serve as a sufficient analogy to the English Unpaid Parental Leave concept. A certain alternative hereto could, however, be encountered in the concept of the Long-term care benefit, which can be drawn by a caring employee from the Czech sickness insurance system.<sup>19</sup>

The benefit itself allows the employee to stay at home and take care of his or her dependent family member, provided that the dependant person had been hospitalized for at least 4 consecutive calendar days before the commencement of such long-term care (the first and last day of such hospitalization are also counted). At the same time, such care must have been assessed as necessary by the respective medical facility for a period of at least another 30 calendar days. In addition to this, a qualified medical assumption that the dependant person's medical condition will inevitably require the provision of a long-term care, is also necessary to be met.

It is absolutely evident, the Long-Term Care Benefit can only be drawn by the employee, provided that a number of essential statutory criteria are met.<sup>20</sup> What's more, the benefit can only be applied for by administrating several pre-designed forms and the entire processing of the application is usually rather complex. Thanks to all the various statutory compulsory criteria, it very occasionally happens that this application process shall be finished within a short period of time. Nevertheless, in contrast to the Unpaid Parental Leave the employees are entitled to a cash benefit acquired from the Czech sickness insurance system in these cases.

### III.3 Short-Term Care Benefit for Caring Persons

No equivalent to the Time Off for Dependants exists within the framework of the Czech legislation. A short-term benefit, usually provided to the caring employees on the basis of their participation within the Czech sickness insurance system,<sup>21</sup> apparently has very little in common with the English concept of Time Off for Dependants. The Short-Term Care Benefit shall apply in cases, when the employee fails to perform his or her work under the condition that he or she has to take care of either a dependant child (typically up to 10 years of age) or any other person as a result of their illness or accident. The same benefit also applies, when the employee takes care of a dependant child, who cannot be placed in a relevant school facility, or who was supposed to be taken care of by a different person, who has unexpectedly fallen ill.<sup>22</sup>

The employee is entitled to the benefit provided that he or she meet all the administrative requirements and can subsequently draw the benefit for the maximum of 9 calendar

---

<sup>19</sup> Hereinafter referred to as "*the Long-Term Care Benefit*" based upon the Sections 41a et seq. of the Act No. 187/2006 Coll. on sickness insurance. The employee obviously has to be insured within the respective sickness insurance system for the statutorily required period before drawing the benefit.

<sup>20</sup> For instance, the 4 days' hospitalization condition has to be fulfilled, unless the person stays in an incurable health status, which requires the provision of palliative care.

<sup>21</sup> Hereinafter referred to as the "*Short-Term Care Benefit*" based upon the Sections 35 et seq. of the Act No. 187/2006 Coll. on sickness insurance. The employee obviously has to be insured within the respective sickness insurance system before drawing the benefit.

<sup>22</sup> Thanks to the child's quarantine or the closure of the school facility.

days (respectively 16 calendar days if it comes to lonely parents providing necessary care to their children).

#### IV. COMPARISON OF PARTICULAR ENGLISH AND CZECH WORK-LIFE BALANCE ASPECTS

The English legislative approach seems to be much more flexible than the Czech one. Generally speaking, it grants the employees the right to submit a statutory application for any possible alteration of the working conditions, which shall enable both the employees and the employers to achieve a more flexible working environment. The Czech concept, on the contrary, only limits the statutory application and its scope to working hours modification, especially their shortening. Only in such a case, the employer is obliged to meet the requirements stated within the application, unless a serious operational reason prevents the employer from doing so. When it comes to the employee's statutory application for remote work performance, the employer's obligation stays limited to written withdrawal of the requirement.

It is essential to stress that in both the Czech and English legal environment the reasons for statutory withdrawal of the employee's application are rather broad, which can enable the employer to abuse his or her withdrawal right. Nevertheless, the scale of employees granted with the right to submit such a statutory application stays almost unlimited in England, which is definitely not the case in the Czech Republic. Such a broad possibility to apply for Flexible Working conditions may, apparently, help a much wider scale of employees to adapt their working conditions and as a result achieve their work-life balance more easily.

When it comes to the concept of Unpaid Parental Leave and Time Off for Dependants, no such equivalent exists within the Czech law. Czech law offers an alternative represented by a Short-Term and Long-Term Care Benefit. These are monetary benefits paid to the employee during his or her time off (spent by taking care of a dependant person), which definitely shall be considered a positive aspect of the Czech legal system, motivating the employees to manage relevant care of their near ones on their own, whenever possible. However, the administration (especially connected with the application for the Long-Term Care Benefit) usually prevents the procedure from being flexible enough and suiting the actual needs of the employees.

Compared to this relatively complex and formal structure, both the Unpaid Parental Leave and Time Off for Dependants are connected with much less formal requirements necessary for acquiring these. In my point of view, the absence of various statutory conditions may be fully compensated by the relatively broad right of the employer to postpone drawing of the Unpaid Parental Leave (based upon a relevant objective reason) or the right of both the employer and the employee to reasonably assess, which length of the Time Off for Dependants shall be suitable to their needs. On the contrary, the Czech statutorily based benefits are more or less covered by rather binding rules, which, of course, make the situation much more predictable for the employees. These, however, also result in disability of both of the parties to flexibly adapt the relevant conditions to their actual needs.

## CONCLUSION

Not only childcare forms an integral part of the work-life balance scheme, but also the general need for private leisure time and personal space of an individual shall be included. From this point of view, work-life balance can be characterized as a personal status, which enables the individual in question to balance his or her work, social and private needs.

The approaches towards the work-life balance legislation may vary country from country. The abovementioned difference between England and the Czech Republic representing not only different legislative, but also historic and social backgrounds. It is, thus, evident that it shall never be entirely possible to adopt foreign legislation without full understanding hereof. Various English legal instruments, by which the work-life balance is achieved, can stand as an inspiration for the Czech Republic and potentially also for other EU Member States. The English concept seems to put less emphasis on administrative requirements, and instead aims to put a bigger emphasis on both the employees and employers free will within the employment relationship. This can definitely be considered a substantive feature of the English Labour Law environment. The legal tradition and background are entirely different in both of the countries. However, even though it may not be possible to transform and implement the English legislation into the Czech legal system *an block*, I am firmly convinced that the flexible and open nature of the former shall at least serve as a valuable inspiration to the latter.