

# Employment Flash

December 2019

## A malady of the modern era – are you sure that it does not concern you?

You have probably heard about it but have been lucky enough not to encounter it directly as the employer. At least, in the experience of our clients, this phenomenon has spread rapidly, and a displeasing notice may suddenly reach you as well. We talk about 'virtual' trade union organisations.

A virtual trade union organisation differs from the traditional one where you at least have an idea what employees have initiated it and they discuss their workplace requirements with you completely openly or at least actively. The difference is that a virtual trade union communicates with you and with its members mainly online and using remote communication, without any specific person designated as a 'trade union official' ever knocking at your door. In most cases, the main objective of the union is to get required information about the employer that is usually valuable or funds for its activities, without any intention to actually defend employee rights.

Given that the Czech Labour Code does not stipulate any strict requirements for a trade union origination to start their activities in the employer's company, it is not difficult for a trade union organisation – and particularly the virtual one – to be built. It takes no more than three members employed with the employer to organise a trade union and a union's charter to authorise the members to operate in the employer's company.

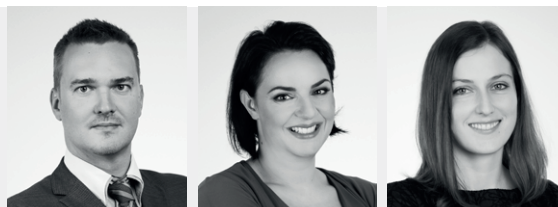
**What are the right steps to take when you receive an e-mail requesting you to provide information about the company online or directly an invoice for a trade union's activities in your company or for the operation of web portals?** We advise our clients to deal with the situation actively and not to let themselves be backed into a corner. If the trade union organisation claims that you are obliged to create conditions for the organisation to be allowed to carry out its activities properly and to cover, as your circumstances allow, the necessary costs of its maintenance and technical operation, it is **partly** true. However, **this in no way means that you must automatically pay each invoice** submitted to you without prior agreement. The essence of collective bargaining is **mutual dialogue** between the employer and the trade union organisation which should result in a reasonable advancement of the employees' legitimate interests.

If the trade union organisation begins to make its presence felt in a similar way in your company, **we recommend considering the legitimacy of its requirements and/or respond adequately using legal arguments.**

Upon request, our team of experienced specialists from our Czech and Slovak branch offices will be happy to help.

**Authors:**

**Jan Koval** | Partner  
**Veronika Plešková** | Managing Associate  
**Pavla Kaufmannová** | Associate



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Tel.: +420 255 000 111  
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### BRNO

Tel.: +420 545 423 420  
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### BRATISLAVA

Tel.: +421 232 113 900  
E-mail: [office@havelpartners.sk](mailto:office@havelpartners.sk)

### PILSEN

Tel.: +420 371 005 320  
E-mail: [office@havelpartners.cz](mailto:office@havelpartners.cz)

### OLOMOUC

Tel.: +420 581 000 310  
E-mail: [office@havelpartners.cz](mailto:office@havelpartners.cz)

### OSTRAVA

Tel.: +420 255 000 111  
E-mail: [office@havelpartners.cz](mailto:office@havelpartners.cz)