

Guide for Employees:
**Partnerships for
Same-Sex Couples**

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An amendment to the Civil Code came into force on 1 January 2025, introducing a new institution of partnerships for same-sex couples into Czech law. However, the amendment does not allow LGBTQ+ people to enter into equal marriage and still restricts some of their parental rights.

In our guide, you will find a brief overview of the changes as well as tips for employers on how to implement the rules in practice so that personnel have the same work benefits. If you have any further questions after reading this guide, please do not hesitate to contact us at info@pridebusinessforum.com.

What kind of law was passed?

The Czech Parliament approved an amendment to the Civil Code that introduced the new institution of “partnership” intended for two persons of the same sex. Partners currently have the same rights as married couples, with the exception of joint adoption of a child. (This exception is not entirely clear and may be disputed, but for our purposes, we are taking it into account).

What rights will same-sex partners gain by entering into a partnership?

Pursuant to the new amendment, partners have the same rights as married couples, with the exception of those that are explicitly excluded.

Partners have gained the following rights, among others:

- a manner of entering into a partnership similar to that of entering into a marriage
- two days of leave for entering into a partnership
- the possibility of having community property
- the right to choose a common surname
- widow's or widower's pension following the death of a partner
- possibility of transferring entitlements to various benefits (e.g. pension, sickness) to the other partner

What will happen with registered partnerships that were entered into prior to the amendment coming into force?

Registered partnership entered into prior to the amendment remains valid. However, it is not possible to enter into new registered partnerships. If partners who are currently in a registered partnership decide to enter into a new partnership pursuant to the Civil Code, they do not have to first terminate their registered partnership. They can enter directly into a new partnership. However, the rights that the Civil Code grants to partners do not automatically apply on those who remain in a registered partnership.

What does this mean for employees?

From 1 January 2025, there are two legal regulations governing same-sex unions (registered partnerships and partnerships) with which employers work when providing employee benefits.

In the case of registered partnerships, employers should amend their internal regulations so that registered partners are granted the rights that married couples and parents have, even though registered partners are not entitled to such rights according to the law.

In the case of a partnership, the number of rights to which partners are not entitled is significantly narrower. Partners are entitled to all rights that married couples and parents have (upon second-parent adoption of a child). However, there still remain certain gaps due to, for example, the absence of implementing regulations and the time lag in adoption.

The law requires same-sex couples to adopt children in two steps (second-parent adoption) instead of it being possible in a single step. This means that not both of the partners will be registered as parents until several months after the birth of a child. An actual parent will thus not be able to draw parental or paternity benefits until the second-parent adoption has been finalised. In this case, the employer should consider the actual parent to be a legal parent even though the second-parent adoption has not been completed.

Employees' statutory entitlements

Benefits	Registered partnership	Partnership
Work leave in the case of registration is of the same duration as statutory leave for a wedding	YES	YES
Work leave in the event of the death of a partner or family member	YES ¹	YES
Work leave in the event of the birth of a partner's child or adoption of a child by a partner in the same duration as paternity leave, entitlement to a paternity benefit for postnatal care (the other partner does not adopt the child)	NO	NO
Work leave in the event of the birth of a partner's child or adoption of a child by a partner in the same duration as paternity leave, entitlement to a paternity benefit for postnatal care (the other partner adopts the child)	NO	YES (the entitlement to the benefit arises upon second-parent adoption / taking the child into custody)
Work leave for accompanying a partner or a partner's child to a medical facility	YES ²	YES ³
Work leave for the purpose of caring for a partner and entitlement to attendance benefits	YES	YES

¹ New registered partnerships cannot be entered into from 1 January 2025. The entitlement to work leave applies on entering into a partnership.

² Second-parent adoption of a partner's child is not possible in a registered partnership. The employee is therefore only entitled to work leave without pay (a registered partner's child will be considered as an employee's relative in this case).

³ An employee is entitled to leave with compensation where the child is their own, i.e. where the employee is legally recognised as the parent (for example following a second-parent adoption). Where the partner's child is not also the employee's child, the employee is entitled to leave without compensation (a partner's child will be considered as an employee's relative in this case).

Recommendations of the Pride Business Forum for employers

Instead of allowing same-sex couples to enter into marriage, lawmakers decided to follow a more complicated path and to maintain two institutions. This will continue to lead to unclear legal interpretation, complications, legal uncertainty and particularly to inequality and indignity for same-sex couples.

Therefore, we recommend that employers modify their internal regulations and explicitly state that employees living in partnerships are entitled to the above-mentioned benefits. This step will provide legal certainty for LGBTQ+ employees.

Adéla Horáková of Jsme fér and Martin Bytčánek and Viktor Vráblik of A&O Shearman contributed their expertise to this guide. Thank you.

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