Abstract

The central theme of this diploma thesis is the mutual relationship between the employee protection and the contractual freedom as legal principles standing against each other. This relationship must be balanced as much as possible within the framework of legislation on labour law relationships, which is the task of labour law. This diploma thesis deals with the assessment of the level of flexibility against the legal instruments used to protect the employee. In other words, this diploma thesis attempts to outline the operation of the modern principle of flexicurity in the Czech law, while also explaining what the flexicurity itself means.

The first part of this diploma thesis describes labour law in general terms as a legal branch, its aims and its object. At the same time, it outlines the historical development of labour law relationships with a focus on the operation of the contractual freedom and the employee protection in order to better understand the whole matters. The second part deals with the explanation of the concept of flexicurity and the meaning of its particular parts, which form this concept. The notional first half of this work dealing with the general definition of flexibility and the employee protection is then completed by the third and fourth parts dealing with both the concept of the Labour Code and its basic law principles and the legal instruments for the application of the flexicurity in legislation.

The fifth part is classed as the notional second half of the work devoted to the practical application of flexicurity throughout the individual legal institutions of Czech labor law and to the suggestion of changes de lege ferenda to the current legislation. Specifically, the fifth part deals with the formation and duration of an employment relationship, not excluding the pre-employment relationship, and proposes partial amendments to the legal regulation. Respecting the system of the Labor Code, the sixth part of this thesis deals with the operation of the flexicurity on the alterations of an employment relationship, while also a few suggestions de lege ferenda are outlined here. Logically, the seventh part of this thesis analyzes the balanced operation of the flexibility and employee protection regarding to the termination of an employment relationship. Also in this part, this thesis attempts to propose changes to make flexicurity more effective.

The eighth and also a last part of this diploma thesis attempts to not forget the very flexible legislation on agreements on work performed outside the employment relationship,
while criticizing the issue of abuse of the contractual freedom of these agreements. In the conclusion, I summarize the above-described issues.