

Abstract

This thesis deals with the institute of the temporary posting of workers in the framework of the provision of services between the member states of the European Union. It aims to describe in detail and to analyse the legal regulation of the issue and to highlight the uncertainties that occur during the realisation of the posting. The first part deals with the primary law of the European Union and with the related jurisprudence of the Court of Justice of the European Union, while emphasising the link to the internal market and the freedom to provide services. The second part deals with the detailed analysis of the Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services which represents the basic regulation of the posting of workers at the European level. It is followed by the third part which deals with the later adopted Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services which seeks to prevent fraudulent practices and provide better information on the labour law conditions to be applied to posted workers. Part four deals with the proposal for a revision of the Directive 96/71/EC and with a detailed description of the changes being currently negotiated within the European Union institutions. Since we are talking about the relationship with a cross-border element, part five deals with the detailed analysis of the rules of private international law. This includes conflict-of-law rules for the determination of applicable law - especially the Rome Convention on the law applicable to contractual obligations and Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I) and also the determination of the international jurisdiction of the courts according to the Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (Brussels I Bis). The social security law issues are also related to the labour law ones and, therefore, the sixth part is devoted to the Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems and to the basic coordination principles. The last seventh part aims to assess the Czech legislation. The Czech legislation is constituted by the transposition of the mentioned directives into the Czech legal order, especially into Act No. 262/2006 Coll., Labour Code, Act No. 435/2004 Coll., Act on Employment and Act No. 251/2005 Coll., Act on Work Inspection. The thesis focuses on the issues related to the posting of an employee to the Czech Republic and on

the legal institutes that Czech labour law offers to realise postings from the Czech Republic abroad. In this context, the issue of related travel refunds is also assessed.