

Abstract

This diploma thesis deals with the termination of an employment relationship. Its aim is to aptly depict and characterize individual ways of terminating an employment relationship with a focus on the termination of an employment relationship by labor-juridical acts, also to call attention to some application difficulties and to mention proposals de lege ferenda.

Firstly, the thesis is focused on the different areas of labor law, its functions and also on the relation between labor law and civil law. The attention is further paid to the explication relating to the employment relationship as well as to labor-juridical acts and some consequences of their defects. The focus of the thesis lies in the analysis of individual ways of terminating an employment relationship. The employment relationship can be terminated either on the basis of labor-juridical acts, on the basis of a labor-juridical event, or on the basis of official decisions. Labor-juridical acts leading to the termination of an employment relationship are agreement on the termination of an employment relationship, the notice of termination, the immediate termination of an employment relationship and termination of an employment relationship during the probationary period. The labor-juridical events on the basis of which the employment relationship is terminated are the death of employee, the death of the employer – the natural person, the expiry of the period in the case of the employment relationship concluded for a certain period, the expiry of the period for which was issued the work permit, the employee card and the blue card. The official decisions on the basis of which the employment relationship of foreign citizen or stateless person is terminated are an enforceable decision cancelling the residence permit and a final judgement of the court imposing the sentence of the expulsion.

The thesis also deals among other things with the individual claims arising from the invalid (apparent) termination of an employment relationship, the specifics which involves the termination of the employment of managerial employees, the employer's obligations upon the termination of an employment relationship, furthermore the delivery and the termination of the so-called factual employment relationship. The attention is also paid to international documents concerning the termination of an employment relationship as well as the termination of an employment relationship legislation in the European Union Law. The conclusion of this thesis is devoted to the evaluation of the current legal regulation of the termination of an employment relationship, deals with some application uncertainties and also includes proposals de lege ferenda.

This thesis puts emphasis on analysis of judicial decisions (especially decisions of the Supreme Court and the Constitutional Court).