

Abstract

This thesis provides the reader with a comparative study of the termination of employment as a result of the state of health of the employee. The compared legal systems are the legal system of the Czech Republic, Austria and Italy. For better understanding of the topic of the thesis, the Austrian and Italian system of sources of law related to the topic and the categories of employees distinguished under Austrian and Italian law are briefly described. Statistical data concerning the topic of the thesis (e.g. the number of work accidents in the three countries per year) are provided as well. Based on the extent of the thesis, the historical development of legal regulation is not analysed. The structure of the chapter is based on the legal institutes, which are always described in relation to all of the three states in one chapter. The thesis is based on the method of comparative analysis. Especially in relation to the Italian legal system, notes concerning the translation of the texts of laws are involved, because the legal institutes do not always correspond with the labour law of the Czech Republic. The sources used for the creation of this thesis were published in German, Italian, English and Czech. The sources of labour law of Austria and Italy are briefly described and analysed.

The first chapter provides an analysis of termination by notice based on reasons connected with the state of health. The second chapter describes the conditions and proceedings of termination without notice in connection with health reasons. In the third one the agreement on the termination of the employment contract is analysed. The fourth one brings an elementary analysis of the severance pay in the case of termination of employment based on health problems.

Specific issues regarding the termination of employment in connection with the state of health are introduced and analysed in the fifth chapter of the thesis (e.g. medical fitness of professional drivers). In the conclusion of the thesis, generalization of the particular pieces of knowledge is conducted. Further, the most significant differences between the compared systems of law are counterpointed.