

Summary

The contract of employment and formation of employment

The aim of this thesis is to analyze effective legislation of contract of employment and formation of employment with the help of professional literature, specialized articles from labor law experts and judicial decisions, especially the judicial decisions of the Supreme Court of the Czech Republic. The conclusion of thesis includes the proposals of the possible future legal regulation, which could bring more legal certainty regarding the institutes that are the subjects of this thesis.

The thesis is divided into six chapters. The first chapter contains a description of the concept, status, function and subject matter of labor law. The second chapter deals with the history of the development of the contract of employment and formation of employment. The reason for including this chapter is the fact that on the basis of historical developments it is easier to understand today's legal regulations and therefore, avoid possible changes that have been proven as inappropriate in the past. Within the third chapter are analyzed the sources of legislation, both international and national, in which the Labor Code and the Civil Code have the main status, when the regulation in Civil Code has a subsidiary status to the regulation contained in the Labor Code. The core of the thesis is contained in chapter four, which discusses the current adaptation of the labor contract institute. For the comprehensive description of the institute of the contract of employment, this chapter deals with the negotiation of legal negotiations, the general treatise on the contract and its conclusion, as well as the specific procedure before the conclusion of the contract of employment, the parties to the employment contract, its essentials and finally some of the others, which the contract of employment may contain. In chapter five, the institute of choice is briefly analyzed as a prerequisite for concluding a contract of employment. In the final sixth chapter, to be completed as to the treatise on the contract of employment and formation of employment, the basic rights and duties, which are linked to the employment relationship on the basis of the contract of employment and whose bearers are the parties to the employment relationship, i.e. the employee and the employer, are analyzed.